

# Maryland Register

Issue Date: February 8, 2013

Volume 40 • Issue 3 • Pages 181—279

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Open Meetings Compliance  
Board  
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Evaluation  
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General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before January 18, 2013, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of January 18, 2013.

Brian Morris  
Acting Administrator, Division of State Documents  
Office of the Secretary of State



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

## CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

## CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

## CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

## DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

## HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at [www.dsd.state.md.us/CumulativeIndex.pdf](http://www.dsd.state.md.us/CumulativeIndex.pdf). This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

## SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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## CLOSING DATES AND ISSUE DATES through JULY 26, 2013

Issue Date	Emergency and Proposed Regulations 5:00 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
February 22	February 4	February 13	February 11
March 8**	February 15	February 27	February 25
March 22	March 4	March 13	March 11
April 5	March 18	March 27	March 25
April 19	April 1	April 10	April 8
May 3	April 15	April 24	April 22
May 17	April 29	May 8	May 6
May 31**	May 13	May 21	May 20
June 14**	May 23	June 5	June 3
June 28	June 10	June 19	June 17
July 12**	June 24	July 2	June 28
July 26	July 8	July 17	July 15

### COMAR Online

The Code of Maryland Regulations is available at [www.dsd.state.md.us](http://www.dsd.state.md.us) as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

For additional information, visit [www.sos.state.md.us](http://www.sos.state.md.us), Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

\* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

**NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNT REFLECTS THIS FORMATTING.**

\*\* Note closing date changes

**The regular closing date for Proposals and Emergencies is Monday.**

### Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title “Maryland Documents”. This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. “Maryland Documents” also includes local publications.

Anyone wishing to receive “Maryland Documents” should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

## REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

**09.12.01.01D(2)(c)(iii)**  
 Title                      Chapter                      Section                      Paragraph  
 Subtitle                      Regulation                      Subsection                      Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at [www.dsd.state.md.us](http://www.dsd.state.md.us).

### Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by "(err)". Regulations referencing a document incorporated by reference are followed by "(ibr)". None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

#### 03 COMPTROLLER OF THE TREASURY

**03.01.01.04** • 40:3 Md. R. 221 (2-8-13)  
**03.02.02.09** • 39:26 Md. R. 1667 (12-28-12)  
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**03.06.01.09** • 40:3 Md. R. 223 (2-8-13)  
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**03.06.01.28** • 40:2 Md. R. 77 (1-25-13)  
**03.06.01.43** • 40:3 Md. R. 226 (2-8-13)  
**03.06.01.45** • 40:3 Md. R. 227 (2-8-13)  
**03.06.02.06** • 39:3 Md. R. 261 (2-10-12)  
**03.06.03.02** • 40:3 Md. R. 227 (2-8-13)  
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#### 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**05.03.02.01—,04,,06—,09,,11—,14,,19,**  
**.20** • 40:2 Md. R. 78 (1-25-13)  
**05.16.01.01—,13** • 40:1 Md. R. 23 (1-11-13) (ibr)  
**05.17.03.01—,06** • 40:2 Md. R. 81 (1-25-13)

#### 07 DEPARTMENT OF HUMAN RESOURCES

**07.07.01.02** • 39:25 Md. R. 1618 (12-14-12)  
**07.07.03.04** • 40:1 Md. R. 25 (1-11-13)  
**07.07.11.02,,05** • 40:1 Md. R. 26 (1-11-13)  
**07.07.24** • 39:26 Md. R. 1678 (12-28-12) (err)  
**07.07.24.01—,06** • 39:24 Md. R. 1579 (11-30-12)

#### 08 DEPARTMENT OF NATURAL RESOURCES

**08.01.09.01,,02** • 40:2 Md. R. 83 (1-25-13)  
**08.02.05.01** • 40:2 Md. R. 83 (1-25-13)  
**08.02.05.26** • 39:26 Md. R. 1668 (12-28-12)  
**08.02.12.03** • 39:26 Md. R. 1668 (12-28-12)

**08.02.13.01—,03,,05,,08** • 40:3 Md. R. 228 (2-8-13)  
**08.02.15.07** • 40:2 Md. R. 83 (1-25-13)  
**08.04.06.01,,02** • 39:25 Md. R. 1619 (12-14-12)  
**08.18.01.03** • 40:2 Md. R. 84 (1-25-13)  
**08.18.33.02** • 40:1 Md. R. 26 (1-11-13)

#### 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**09.03.14.01** • 40:2 Md. R. 86 (1-25-13)  
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**10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

**Subtitles 01 — 08 (1st Volume)**

- 10.01.04.01,.02 • 40:2 Md. R. 87 (1-25-13)
- 10.03.01.13 • 40:2 Md. R. 87 (1-25-13)
- 10.05.05.03 • 39:15 Md. R. 976 (7-27-12)
- 10.07.05.04 • 39:15 Md. R. 977 (7-27-12)
- 10.07.14.07 • 39:15 Md. R. 978 (7-27-12)
- 10.07.22.01—.33 • 40:2 Md. R. 88 (1-25-13) (ibr)
- 10.09.06.03,.10,.15,.15-1 • 39:25 Md. R. 1621 (12-14-12)
- 10.09.10.04,.07,.08,.09,.10,.11,.16—.18,.24,.25 • 40:1 Md. R. 28 (1-11-13)
- 10.09.54.14-1,.30-1,.33 • 40:3 Md. R. 246 (2-8-13)
- 10.09.55.26-3,.29 • 40:3 Md. R. 248 (2-8-13)
- 10.09.65.19 • 40:2 Md. R. 93 (1-25-13)
- 10.09.76.14 • 40:2 Md. R. 93 (1-25-13)
- 10.09.83.01—.07 • 39:23 Md. R. 1546 (11-16-12)

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- 10.10.01.03 • 40:1 Md. R. 33 (1-11-13)
- 10.10.03.02 • 40:1 Md. R. 33 (1-11-13)
- 10.10.04.02 • 39:15 Md. R. 979 (7-27-12)
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# The Attorney General

## OPINIONS

### CLERKS OF COURT

#### MARRIAGE LICENSES — ISSUANCE OF MARRIAGE LICENSES TO SAME-SEX COUPLES AFTER APPROVAL OF THE CIVIL MARRIAGE PROTECTION ACT

November 29, 2012

David R. Durfee, Jr.  
Executive Director  
Department of Legal Affairs  
Administrative Office of the Courts

You have asked for our opinion on a number of questions relating to the implementation of Chapter 2 of the Maryland Laws of 2012, which amended § 2-201 of the Family Law Article (“FL”) so as to remove the statutory prohibition of same-sex marriages. Chapter 2 was recently approved by the voters on a referendum and will, therefore, become effective on January 1, 2013—the effective date provided for in the legislation itself. In anticipation of Chapter 2 becoming effective, the clerks of the various circuit courts in Maryland have received and made numerous inquiries about implementation of Chapter 2. You have collected these inquiries and have synthesized them into the following questions, which we have slightly re-phrased:

1. On what date can a clerk begin taking applications for marriage licenses for same-sex marriages?
2. On what date can a clerk begin issuing marriage licenses for same-sex marriages?
3. On what date can a clerk begin delivering issued licenses for same-sex marriages to the parties?
4. If licenses may be issued earlier than January 1, 2013, how do the provisions for the waiting period in FL § 2-405(d)<sup>1</sup> apply to those licenses? For example, would a license issued on December 28, 2012, or earlier take effect at 6:00 a.m. on January 1, 2013, or at 6:00 a.m. on January 3, 2013 (i.e., 6:00 a.m. on the second calendar day after same-sex marriage became legal)?
5. If a same-sex couple has already been married in a state where it was legal prior to January 1, 2013, and that marriage remains intact, can they now get a license and marry in Maryland?
6. To the extent the Attorney General has previously opined or advised that a couple already married cannot get a license, would that conclusion still apply in this situation, where a couple could not previously be married in Maryland, and does Maryland’s recognition of out-of-

state same-sex marriage affect this determination?

7. If a couple entered into a “civil union” in a state allowing that contract, and the civil union remains intact, is their marital status Married, Single, or some other status, and can they obtain a license to marry in Maryland?
8. Should clerks use two sets of vows, one for traditional unions and one for same-sex unions, or should they only use the new vows composed for same-sex unions? In other words, may clerks’ offices offer each couple the opportunity to select from a standard and alternative text (using “spouse” as standard and “husband and wife” as alternative)?
9. If the clerks may lawfully offer each couple the opportunity to select from a standard and alternative text for their marriage vows (using “spouse” as standard language, and offering “husband and wife” as an alternative), should this option be available to both opposite and same-sex couples?

In light of the volume of inquiries from the clerks and your request that we provide guidance early enough to allow the clerks and the public alike to prepare for Chapter 2 becoming effective, we have addressed your questions on an expedited basis.

### I

#### Background

##### *Same-Sex Marriages Under Maryland Law Before and After Enactment of Chapter 2*

We recently had occasion to describe the history of marriage in Maryland and the treatment of same-sex marriages under Maryland law, *see* 95 *Opinions of the Attorney General* 3 (2010), and do not repeat that description here. For present purposes it suffices to remember that, prior to the enactment of Chapter 2, Maryland law specified that a marriage was between one man and one woman. 57 *Opinions of the Attorney General* 71 (1972). The General Assembly codified that understanding in 1973 with the enactment of § 2-201 of the Family Law Article, which provided that “[o]nly a marriage between a man and a woman is valid in this State.” 1973 Md. Laws, ch. 213, *then codified* at Md. Ann. Code art. 62, §1 (1974). The constitutionality of § 2-201 was upheld by the Court of Appeals in *Conaway v. Deane*, 401 Md. 219 (2007).

In 2012, the General Assembly enacted the Civil Marriage Protection Act, which, in relevant part, amends § 2-201 to provide that “[o]nly a marriage between two individuals who are not otherwise prohibited from marrying is valid in this State.” 2012 Md. Laws, ch. 2, § 1, *to be codified* at FL § 2-201(b). The Act also made certain conforming changes to the consanguinity provisions of the Family Law to make them gender-neutral and, thus, applicable to spouses of either sex. *Id.*, *to be codified* at FL § 202(b), (c). The clear effect and intent of the 2012 legislation was to authorize same-sex marriages under Maryland law.

The legislation that ultimately became Chapter 2 (House Bill 438) was passed by both houses of the General Assembly and was enacted into law by the Governor’s signature on March 1, 2012. A

<sup>1</sup> Unless otherwise noted, all statutory references refer to the current version of the Family Law Article reflected in the 2006 Replacement Volume of the Annotated Code of Maryland and the 2012 Supplement.

successful petition drive placed Chapter 2 on the ballot as a referendum measure in the 2012 election, which suspended the law pending the voters' approval or rejection at the polls. See Md. Const., Art. XVI, § 2; *McGinnis v. Board of Supervisors of Elections*, 244 Md. 65, 69 (1966). The voters ultimately approved the legislation by a reported margin of 52% to 48%. See Maryland State Board of Elections, "Unofficial 2012 Presidential General Election Results for All State Questions" (available at [http://elections.state.md.us/elections/2012/results/general/gen\\_qresults\\_2012\\_4\\_00\\_1.html](http://elections.state.md.us/elections/2012/results/general/gen_qresults_2012_4_00_1.html) (last visited Nov. 15, 2012)). Assuming the Governor proclaims that Chapter 2 was approved by the voters on November 6, the suspension of the law will expire thirty days thereafter, or on December 6, 2012. See Art. XVI, § 2; see also Art. XVI, §5(b) (requiring the Governor to "proclaim the results of the election" and declare the measure to have been "adopted by the people of Maryland as a part of the laws of the State, to take effect thirty days after such election").

Although the period of suspension is expected to end on December 6, 2012, the Act itself provides that it "shall take effect January 1, 2013," 2012 Md. Laws, ch. 2, § 7, unless, at that time, litigation were pending "as to the validity or sufficiency of the signatures" required to petition the bill to referendum. *Id.*, § 5. There being no such dispute, same-sex marriage will be formally authorized under Maryland law at the stroke of midnight on New Year's Eve.

#### *Obtaining a Marriage License Under Maryland Law*

Although Chapter 2 amends Maryland law to allow for same-sex marriage, it will take effect within an existing statutory framework for the licensing of marriages, the provisions of which Chapter 2 "may not be construed to invalidate." FL § 2-201(a). Those provisions require that a couple seeking to marry under Maryland law must first obtain a license issued by the clerk of the circuit court for the county in which the marriage is to be performed. FL § 2-401(a); see also FL § 2-101(c) (defining "clerk"). In order to apply for a license, one of the parties to be married must appear before the clerk<sup>2</sup> and provide certain basic information about the parties, including their names, place of residence, age, and social security numbers, and whether the parties are related by blood or marriage, currently married, or, if married previously, "the date and place of each death or judicial determination that ended any former marriage." FL § 2-402(b). The statute does not now, and never has, included the parties' gender within the list of required information.

Although the circuit court clerks generally accept the representations made by the parties, under oath, in the application for a marriage license, see 25 *Opinions of the Attorney General* 120 (1940) and 18 *Opinions of the Attorney General* 346 (1933), the clerks are empowered to question the applicants about the information included within the application. "If, during the questioning of an applicant for a license, the clerk finds that there is a legal reason why the applicants should not be married, the clerk shall withhold the license unless ordered by the court to issue the license." FL § 2-405(e).

If, after questioning the applicant, the clerk determines that the applicants qualify to marry, the clerk may issue and deliver a license the same day that the application is made and, it is our understanding, typically does so. See FL § 2-405(a). The license is not, however, immediately effective; unless the circuit court orders otherwise, the license does not become effective "until 6 a.m. on the second calendar day after the license is issued." FL § 2-405(d)(1). "For good cause shown," a judge of the circuit court for the county in which the application is made may authorize a license to become effective at a time "before the waiting period expires" if one of the parties to be married is either a Maryland resident or a member of the

United States armed forces. FL § 2-405(d)(2). Once issued, the license is valid for six months, FL § 2-406(b), during which time "any authorized official"—an official of a religious order, a judge, a clerk, or a "deputy clerk designated by the county administrative judge of the circuit court for the county," FL § 2-406(a)(2)—may perform the ceremony. Under Maryland law, it is the ceremony, and not the license, that validates the marriage. *Feehley v. Feehley*, 129 Md. 565, 570 (1916) ("The regulative purposes of the license statute are useful and important, but they are sought to be enforced by pecuniary penalties pronounced against those officiating at unlicensed marriages, and not by the radical process of rendering void and immoral a matrimonial union otherwise validly contracted and solemnized."); see also 75 *Opinions of the Attorney General* 90, 92-94 (1990).

#### *The Genesis of this Opinion Request*

Prior to the enactment of Chapter 2, the fact that same-sex marriage was not authorized under § 2-201 meant that there was a "legal reason" why same-sex applicants "should not be married," which prohibited the issuance of a license under § 2-405(e). See 57 *Opinions of the Attorney General* at 72 (construing a prior version of § 2-405(e) and concluding that, because there is a "legal impediment" to same-sex marriage, clerks are "prohibited from issuing a license"); see also Letter from Gloria Wilson Shelton, Assistant Attorney General, to All Clerks of Court (Feb. 24, 2004) ("Because a marriage between persons of the same gender is not legally valid in Maryland, the clerk is authorized by statute to withhold the issuance of a marriage license to persons of the same gender."). The enactment and approval of Chapter 2 removed the "legal reason" why same-sex couples should not be married. Accordingly, after January 1, 2013, a same-sex couple will be entitled to apply for, and obtain, a marriage license and solemnize their marriage in a civil ceremony in the same manner as other Maryland couples.

The voters' reported approval of Chapter 2 prompted several inquiries to the clerks of the circuit courts about the implementation of Maryland licensing requirements under the new law. Specifically, several same-sex couples have inquired as to how soon they can submit an application, obtain a license, and be married under Chapter 2. In addition, other questions have arisen about whether couples who have already entered into an out-of-state union may obtain a marriage license here in Maryland and about the vows the clerks are to recite when conducting same-sex marriage ceremonies. The clerks of the various circuit courts have compiled the questions they received and have referred them to the Administrative Office of the Courts, which subsequently referred them to us for our opinion.

## II

### Analysis

The questions presented in your request relate to three broad topics: (1) the timing of the process of applying for and issuing a marriage license; (2) the ability of couples already joined in out-of-state unions to obtain marriage licenses and be married in Maryland; and (3) the form of the vows for same-sex marriage ceremonies. We shall address them in that same grouped manner.

#### A. *Questions About the Timing of the Application for, and Issuance of, Marriage Licenses for Same-Sex Couples Under Chapter 2*

Your first group of questions relates to the processing and issuance of marriage licenses for same-sex couples and asks whether and to what extent clerks may begin accepting, processing, and issuing licenses in advance of the January 1, 2013 effective date of Chapter 2. As we will discuss below, we conclude that the licensing statute, properly construed to advance the public policies that lie behind it and behind Chapter 2, allows the clerks to begin accepting and processing license applications for same-sex couples prior to

<sup>2</sup> In Cecil County, both parties to be married must "appear together before the clerk to apply for a license." FL § 2-402(e).

January 1, 2013, and even to issue licenses prior to that date under certain conditions. We acknowledge that the legal basis for doing so is not free from doubt and that an alternative reading of the Act that would have the clerks decline to take any action on a license application from a same-sex couple prior to January 1, 2013, would also be permissible. We believe that this is an administrative decision that must necessarily be left to the clerks and, to some extent, the circuit court judges that oversee their administration of the marriage laws. However, since the authorization of same-sex marriage is now established as the clear public policy of the State, it is important that such administrative judgments be made in a manner that facilitates same-sex marriage to the same extent that administrative judgments would be made to facilitate opposite-sex marriages.

1. *On what date can a clerk begin taking applications for marriage licenses for same-sex marriages?*

The statute does not prescribe when a marriage license application may be submitted or any date by which it must be acted upon by the clerk. Although the clerk may issue and deliver a marriage license on the same day the application is submitted, the statute does not require the clerk to do so. And in 1961, Attorney General Thomas B. Finan advised that, unlike marriage licenses, the General Assembly had specified no expiration date for applications. 46 *Opinions of the Attorney General* 44 (1961); see also 26 *Opinions of the Attorney General* 266 (1941) (observing that there is “no limitation upon the time within which an applicant must secure a marriage license after making application therefor”). For example, we previously concluded that, in a situation where a minor applied for a license but failed to provide the required written parental consent along with the application, “the consent need not be filed at the time the application is made but may be filed at any time before the license is actually issued,” and that “[u]ntil a license is actually issued all that is necessary for you to do is to retain the original application in your files.” 24 *Opinions of the Attorney General* 191 (1939).<sup>3</sup>

We see nothing in the statute, as amended by Chapter 2, that would cause us to depart from the conclusions we previously have reached. Just as a clerk may process and retain an application pending receipt of a necessary parental consent, a clerk who wishes to accept, process, and retain a marriage license application submitted by a same-sex couple in anticipation of the effective date of Chapter 2 may do so.<sup>4</sup> We see no statutory obstacle to clerks conducting the

ministerial process of generating a signed application prior to the effective date of the bill and holding it until such time as the license can be issued.

2. *On what date can a clerk begin issuing marriage licenses for same-sex marriages?*

We believe clerks may begin issuing same-sex marriage licenses at any time after the Governor formally proclaims that Chapter 2 has been approved by the voters, which we would expect to occur on or about December 6, 2012. Although there is a “legal reason” why same-sex couples cannot be licensed to marry before midnight on January 1, 2013, FL § 2-405(e), there is no such legal reason why they should not be licensed to marry at any time after the moment the law takes effect. Accordingly, any licenses for same-sex marriages that the clerks issue prior to January 1, 2013, must bear an effective date of no earlier than January 1, 2013. Issuance of licenses in this fashion is not barred by § 2-405(e).

The provisions of the statute relating to the timing of the license process similarly do not bar clerks from issuing licenses with a January 1, 2013 effective date.<sup>5</sup> Section 2-405(h)(1) provides that a clerk “may not predate an application for a license,” but does not in any way prohibit the clerk from including a subsequent effective date on the license itself. Section 2-405(d)(1) specifies that “a license is not effective until 6 a.m. on the second calendar day after the license is issued,” but it does not expressly prohibit licenses becoming effective after that time.<sup>6</sup> See *Keppel v. Tiffin Sav. Bank*, 197 U.S. 356, 378 (1905) (observing that the word “until” means “to the time of, or up to”); *Black’s Law Dictionary* (6th ed. 1990) (defining “until” as “Up to time of” and as “[a] word of limitation, used ordinarily to restrict that which precedes to what immediately follows it, and its office is to fix some point of time or some event upon the arrival or occurrence of which what precedes will cease to exist.”). And while the statute provides a mechanism for authorizing a license to become effective at a time “before”—but not after—the two-day period expires, FL § 2-405(d)(2), that does not necessarily indicate a legislative choice to forbid the practice of issuing licenses with an extended waiting period. Rather, the policies that lie behind the establishment of a waiting period for marriage licenses suggest the opposite.

The purpose of the two-day waiting period is to provide the couple with a “cooling-off” period that will allow them to consider the significance of the step they are about to take. See *Marriage License Requirements* (available at <http://marriage.laws.com/marriage->

[on Sunday, July 24th](http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2011b%2Fpr260-11.html&cc=unused1978&rc=1194&ndi=1)) (July 19, 2011) (available at [http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor\\_press\\_release&catID=1194&doc\\_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2011b%2Fpr260-11.html&cc=unused1978&rc=1194&ndi=1](http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2011b%2Fpr260-11.html&cc=unused1978&rc=1194&ndi=1) (last visited Nov. 15, 2012)) (describing how New York City began accepting applications for marriage licenses from same-sex couples on July 5, 2011—19 days before the effective date of the Marriage Equality Act—and expected to conduct a record number of marriages on July 24, 2011).

<sup>5</sup> It is our understanding that, as a technical matter, clerks can issue licenses with a delayed effective date. Although the computer program the clerks commonly use to prepare marriage licenses automatically generates a license with an effective date of 6:00 a.m. on the second calendar day after it is issued, the program can be overridden to insert another effective date.

<sup>6</sup> The requirement that the license does not become effective until 6:00 a.m. on the second calendar day after its issuance was added in 1999, at the request of the Maryland Judicial Conference, to allow for the same-day issuance and delivery of licenses, either by mail or by pick-up at the courthouse. 1999 Md. Laws, ch. 336; Department of Legislative Services, Revised Fiscal Note at 2 (under the bill, “the clerk is authorized to issue and deliver a marriage license at the time an application for a license is made”). Prior to 1999, the statute provided for no delay of the effect of the license, but delayed the issuance of a marriage license for at least 48 hours after receipt of the application. See FL § 2-405(d) (1999 Repl. Vol.). Neither version of the law prohibits the issuance of a license with a delayed effective date.

<sup>3</sup> In 1963, legislation was passed that authorized the clerk to “destroy” an application if the parties had not picked up the license within 90 days after they filed their application. 1963 Md. Laws, ch. 191 (codified at Art. 62, § 7A (1972 Repl. Vol.) and subsequently recodified at FL § 2-405(j) (1999 Repl. Vol.)). The 1999 legislation that amended the law to allow for the same-day issuance and delivery of marriage licenses repealed this provision, which presumably was rendered unnecessary by the “one-stop shopping for marriage license applicants” the 1999 legislation authorized. See Senate Judicial Proceedings Committee, Floor Report, Senate Bill 282 at 2 (1999). Consequently, there is once again no expiration date for applications.

<sup>4</sup> As discussed above, the effect of Chapter 2 is suspended until the Governor formally proclaims that it has been approved by a majority of voters. See Art. XVI, §§ 2, 5. To insure against the theoretical possibility of a miscourt or other circumstance that would result in the legislation not becoming effective on January 1, 2013, we suggest that clerks wait until the Governor’s proclamation before accepting applications. However, because clerks “act in a ministerial capacity in issuing the marriage licenses,” 25 *Opinions of the Attorney General* at 120, we see no legal obstacle to their accepting applications in anticipation of Chapter 2’s January 1 effective date in order to alleviate what may otherwise be the heavy administrative burden of processing an anticipated high volume of applications, as other jurisdictions have done. See, e.g., News from the Blue Room, “Mayor Bloomberg, Speaker Quinn and New York City Clerk McSweeney Announce Public Lottery For Any Couple Wishing to Marry

license-requirements (last visited Nov. 28, 2012)) (listing state waiting periods of one to six days, which “allow for a cooling-off period for the couple to determine if they truly wish to be married”).<sup>7</sup> All of the timing provisions of the statute have as their goal the preservation of the waiting period. For example, clerks may not predate an application to eliminate the waiting period, FL § 2-405(h)(1), and may not waive the waiting period on their own. The circuit court may reduce the waiting period, but only “[f]or good cause shown,” FL § 2-405(d)(2), and then only if one of the parties to be married is a Maryland resident or a member of the military. These provisions restrict the *shortening* of the waiting period, not the extension thereof.

We do not mean to suggest that clerks or the circuit courts have the power to impose a longer waiting period over the couple’s objection. The imposition of an extended waiting period in those circumstances would appear to be designed to discourage marriages between certain types of couples, which we believe is a substantive power inconsistent with the “ministerial” role the clerks have when issuing marriage licenses. See *25 Opinions of the Attorney General* at 120. Nor do we mean to suggest that clerks may issue licenses with delayed effective dates to accommodate the mere *possibility* that the legal reason why the couple should not be married will be resolved prior to marriage. Licenses issued after the formal proclamation that the voters have indeed approved Chapter 2, with an effective date simply copied from Chapter 2, and at the couple’s request, present no such difficulties.<sup>8</sup> Thus, it is our view that same-sex marriage licenses may be issued prior to January 1, 2013, so long as they carry an effective date no earlier than January 1, 2013.

The conclusion we reach is not the only permissible manner of implementing the requirements of the statute. The clerk of a circuit court may choose for purely administrative reasons not to issue licenses until January 2, 2013,<sup>9</sup> which would make the licenses effective at 6 a.m. on Friday, January 4, 2013. Or the clerk could

<sup>7</sup> As a historical side note, the General Assembly first enacted a waiting period in an effort to address the unseemliness caused by the “marriage mills” of Elkton and other areas, where non-residents took advantage of Maryland’s relatively liberal marriage requirements to obtain a license, get married, and immediately leave the State—all in the same day. See generally *State of Maryland v. Clay*, 182 Md. 639, 642-44 (1944); *27 Opinions of the Attorney General* 253 (1942). A variety of adjustments to the waiting period requirement ultimately addressed the “evil” created by the practice. See generally *Clay*, 182 Md. at 644-45.

<sup>8</sup> In this respect, we distinguish the instances in which this office has advised against the issuance of licenses when the resolution of the legal impediment is not inevitable, as it is here. Cf. *19 Opinions of the Attorney General* 335, 336 (1934) (clerk must refuse to issue a license when one of the parties has an existing marriage); *57 Opinions of the Attorney General* at 72 (same-sex couple, as of 1972). We also distinguish *14 Opinions of the Attorney General* 167 (1929), in which this Office advised that a clerk may refuse to issue the license when independent information indicates that the parties are not of legal age—an impediment to marriage that admittedly is not permanent. Unlike the situation addressed in this Opinion, minors are considered incapable of mature consent to marriage and, thus, equally incapable of requesting the licensing accommodation we describe. See, e.g., *Sophanthavong v. Palmateer*, 378 F.3d 859, 877 (9th Cir. 2004) (“Because of this immaturity, juveniles’ ability to participate in various activities (such as operating automobiles or serving on a jury) or to make decisions for themselves (regarding matters such as marriage or undergoing medical procedures) are restricted by law.”) (citing *Stanford v. Kentucky*, 492 U.S. 361, 395 (1989)); see also *Auclair v. Auclair*, 127 Md. App. 1, 13 (1999) (“As minors, children are not legally competent to act on their own behalf.”).

<sup>9</sup> Because January 1, 2013, is a legal holiday, the clerk’s office will not be open “unless otherwise prescribed by the judge.” Md. Code Ann., Cts. & Jud. Pro. § 2-204; see also *24 Opinions of the Attorney General* 513 (1939) (advising a clerk that “[y]ou are not required to conduct the business of your office from your home and since the law does not require you to keep your office open on [a legal holiday], you are not required to conduct any of the business of your office on [a legal holiday]”).

choose to process license applications immediately and prepare a license with a January 1, 2013 effective date, but hold the licenses until January 1, 2013, when they could be handed out to couples as they arrive at the courthouse (assuming the court remained open for the occasion). For couples in which one of the parties is either a Maryland resident or a member of the military, the circuit court could “sign an authorization” allowing the license to become effective immediately. FL § 2-405(d)(2). Implementing the statute in this manner would allow couples to be married on January 1, 2013, but would require a court order.<sup>10</sup>

We acknowledge that our conclusion might result in different administrative practices in different circuit courts. For instance, a circuit court in one jurisdiction may anticipate a high volume of applications from couples wanting to marry on January 1, 2013, and may wish to use the time before then to spread out what would otherwise be an unmanageable administrative burden. Other jurisdictions may determine that such advance processing is not necessary in order to issue licenses promptly after the effective date. We believe the legislative scheme allows for this type of administrative flexibility.

It is important in this respect to recall the limited role that marriage licenses play within the regulation of marriage under Maryland law. The license serves primarily as *evidence* of the marriage; the clerks maintain a properly indexed “marriage license book” that contains a complete record of the license, the applicants’ eligibility therefor, and the date of the marriage ceremony. See generally FL § 2-501. For religious officials or lay officiants, the license serves to insulate them from potential liability under the statute that flows from performing a marriage ceremony without a license. See FL § 2-406(e). The license does not, however, validate the marriage. *Feehley*, 129 Md. at 570; see also *Picarella v. Picarella*, 20 Md. App. 499 (1974) (following *Feehley* to find the marriage valid despite fraud); *75 Opinions of the Attorney General* 90, 92-94 (1990) (noting that “Maryland cases have held that failure to comply with certain other statutory requirements concerning marriage does not invalidate the marriage”). Rather, it is the marriage ceremony that validates the marriage and, with respect to same-sex marriages, the General Assembly has declared that such validation may occur beginning at the stroke of midnight on January 1, 2013, not 6 a.m. on January 4. See *Robey v. Broersma*, 181 Md. 325, 336 (1942) (“When the legislative body expressly declares that an Act shall take effect on a certain and reasonable date, the presumption is that it intended it to take effect on that particular date, and on no other.”). We believe that the provisions of the statute relating to the “ministerial act” of issuing marriage licenses should be read to allow for the effectuation of that legislative intent. *Bd. of Educ. v. Marks-Sloan*, 428 Md. 1, 18 (2012) (“The cardinal rule of statutory interpretation is to ascertain and effectuate the real and actual intent of the Legislature.”) (internal quotation marks omitted). Accordingly, it is our opinion that clerks may begin issuing same-sex marriage licenses with a January 1, 2013 effective date at any time after Chapter 2 is formally proclaimed to have been approved by the voters, which we expect to occur on December 6, 2012.

<sup>10</sup> We note that this is roughly the procedure followed by New York City to accommodate the large number of same-sex couples wishing to be married on the effective date of that state’s Marriage Equality Act. See, e.g., News from the Blue Room, *supra* at 79, n.4; see also New York State Bar Assn., “New York Marriage Equality, Frequently Asked Questions (FAQ), FAQ #1 at 2 (July 18, 2011) (available at <http://www.nysba.org/Content/NavigationMenu62/MarriageEquality/NYMarriageEquality-QAs.pdf>. (last visited Nov. 16, 2012)).

3. *On what date can a clerk begin delivering issued licenses for same-sex marriages to the parties?*

We believe our response to the previous question applies here as well. Although each word in a statute is presumed to have significance, and the General Assembly appears to use the terms “issue” and “deliver” to refer to two separate steps in the process of obtaining a marriage license, compare FL § 2-405(e) (addressing issuance) with § 2-405(f) (providing for delivery of the license in person or by mail), none of the timing restrictions arguably applicable to the issuance of a license applies to delivery. Accordingly, if clerks may issue a license, or a court orders the same, they may also deliver the license in the manner prescribed by § 2-405(f).

We observe, in this respect, that the significance of the term “delivery” has diminished over time. Prior to 1999, the statute provided that the clerk could not “deliver” the license until 48 hours after an application had been made. See FL § 2-405(d) (1999 Repl. Vol.). The 1999 amendments, however, removed the two-day waiting period for issuance and delivery of the license, and instead made the license effective two days after issuance. Thus, although the statute currently contemplates issuance and delivery to be separate and distinct steps, delivery is now an entirely administrative task which can be effectuated either “personally or by mail to” one of the parties or their designee. FL § 2-405(f).

4. *If licenses may be issued earlier than January 1, 2013, how do the provisions for the waiting period in FL § 2-405(d) apply to those licenses? For example, would a license issued on December 28, 2012, or earlier take effect at 6:00 a.m. on January 1, 2013, or at 6:00 a.m. on January 3, 2013 (i.e., 6:00 a.m. on the second calendar day after same-sex marriage became legal)?*

We believe that this question is also answered by our response to question no. 2 above. Issuance of licenses with a delayed effective date renders moot any questions about how the two-day waiting period is applied since the waiting period will, in effect, be longer than the statute requires. Whether issued on December 28 or December 8, a license issued in the manner we describe (i.e., with a specified effective date of January 1, 2013) would become effective on January 1, 2013, as the statute’s effective date allows.

Should the clerk elect to issue licenses without specifying a delayed January 1, 2013 effective date, he or she may not issue the license prior to December 30, 2012, in the absence of a court order. Taking the example you provide, a license issued on December 28, 2012, without a specified effective date of January 1, 2013, would presumably take effect at 6:00 a.m. on December 30, 2012, because the provisions of § 2-405(d) are not affected by the new law. That would result in a couple holding an effective same-sex marriage license prior to the date same-sex marriage is recognized as valid here in Maryland, something that we do not believe would be permissible without a court order under § 2-405(e).

#### **B. Questions Concerning Re-Marriage**

The next set of questions you pose relates to the circumstances under which couples who have previously entered into a union—whether it be a domestic partnership, a civil union, or a same-sex marriage—in another state may obtain a marriage license and be married here in Maryland without first dissolving their previous union.

5. *If a same-sex couple has already been married in a state where it was legal prior to January 1, 2013, and that marriage remains intact, can they now get a license and marry in Maryland?*

Just as opposite-sex couples may not get a marriage license in Maryland if already legally married in another state, same-sex couples may not either. In an opinion issued in 1940, Attorney General William Walsh advised that a license may not be issued to a couple who had previously been married by a justice of the peace in Virginia and who subsequently wanted to be married in a religious ceremony in Maryland. 25 *Opinions of the Attorney General* 353 (1940). The first ceremony, held in Virginia, was sufficient under the law of that state and, thus, “would be recognized here as a valid marriage.” *Id.* at 354. Because “the marital status of both the parties would appear in the application as ‘married’, and there would be nothing in the record to show that they were married to each other, or that they had been divorced,” no license could be issued. *Id.*; see also 24 *Opinions of the Attorney General* 507 (couple who wished to be married in two separate ceremonies conducted by ministers of different denominations need not obtain two licenses). This view was also adopted in a letter to Shirley P. Hill, Chief Deputy Clerk in Prince George’s County from Catherine M. Shultz, Assistant Attorney General, dated July 11, 1984, advising that the Clerk should not issue a license to a married couple who wish to “reaffirm” or “solemnize” their marriage vows.

We see no reason why this advice does not remain valid and, therefore, we conclude that a same-sex couple who has already entered into a valid out-of-state same-sex marriage may not now obtain a license and marry again in Maryland. Out-of-state same-sex marriages, valid in the state where entered into, are recognized as valid under Maryland law. See *Port v. Cowan*, 426 Md. 435 (2012), see also 95 *Opinions of the Attorney General* 3 (2010). As “[a]n existing marriage,” a previous out-of-state same-sex marriage “operates to prevent a subsequent marriage, and where it appears from the examination which the Clerk is required to make under [the forerunner of § 2-402(b)], that there is an existing marriage, it is the duty of the Clerk to refuse to issue the license until ordered to do so by the Court of which he is the Clerk.” 19 *Opinions of the Attorney General* 335, 336 (1934).

6. *To the extent the Attorney General has previously opined or advised that a couple already married cannot get a license, would that conclusion still apply in this situation, where a couple could not previously be married in Maryland, and does Maryland’s recognition of out-of-state same-sex marriage affect this determination?*

As discussed above in response to the previous question, same-sex couples who were legally married in other states prior to the adoption of same-sex marriage in this State remain legally married and, thus, unable to obtain a license under Maryland law. The enactment of Chapter 2 of 2012 does not change this conclusion.

Chapter 2 states that “[o]nly a marriage between two individuals who are not otherwise prohibited from marrying is valid in this State.” As discussed above, parties to an existing valid marriage—whether entered in Maryland or out of state—are prohibited from marrying in Maryland, at least without first obtaining a divorce. See 19 *Opinions of the Attorney General* at 336; see also Letter from Julia M. Freit, Assistant Attorney General, to All Clerks of Court (Oct. 31, 1994) at 3, n.3 (concluding that a “couple may not obtain and use a new license in Maryland if they already are married under the laws of the state where the previous marriage occurred”).

The fact that same-sex couples were legally prohibited from marrying in Maryland prior to the enactment of Chapter 2 does not change our conclusion. We understand that, prior to enactment of Chapter 2, many Maryland same-sex couples may have wished to marry in Maryland, but were compelled to travel to other states to be married because of Maryland's prohibition on same-sex marriage. But the rule of law barring parties married in one state from marrying again in another does not rest on the premise that the parties could have been married in the state of their choice the first time around. Rather, it rests on the concern that a person, if marrying a new partner, would "have two legal spouses, each of whom could expect virtually the same obligations from him, such as spousal or child support, inheritance, and healthcare coverage." *Elia-Warnken v. Elia*, 972 N.E.2d 17, 21 (Mass. July 26, 2012). Accordingly, any same-sex marriage validly entered into in another state is recognized in this State and its existence bars the parties from obtaining a new marriage license here in Maryland.

7. *If a couple entered into a "civil union" in a state allowing that contract, and the civil union remains intact, is their marital status Married, Single, or some other status, and can they obtain a license to marry in Maryland?*

As noted above, Chapter 2 provides that marriages between two individuals who are not otherwise "prohibited from marrying" are valid in this State. Nothing in either current law or Chapter 2 prevents a marriage between parties who are already in a civil union entered into in another state. The Legislature, in enacting Chapter 2, did not address the legal effect of out-of-state (or in-state) civil unions and domestic partnerships on a same-sex couple's ability to marry in Maryland. Rather, it left in place the pre-existing language of § 2-402, which requires applicants for a license to state the "marital status of each party" and "whether either party was married previously, and the date and place of each death or judicial determination that ended any former marriage." FL § 2-402(b) (emphasis added). In the absence of language expressly prohibiting parties to a civil union or domestic partnership from entering into a Maryland marriage, a plain text reading of Chapter 2 would yield the conclusion that they may do so.

Although the provisions of the Family Law Article governing marriage do not address the effect, if any, of a prior civil union, Maryland's domestic partnership law, enacted in 2008, does. See 2008 Md. Laws, ch. 590. That law defines "domestic partnership" as a relationship between "two individuals" who:

- (1) Are at least 18 years old;
- (2) Are not related to each other by blood or marriage within four degrees of consanguinity under civil law rule;
- (3) Are not married or in a civil union or domestic partnership with another individual; and
- (4) Agree to be in a relationship of mutual interdependence in which each individual contributes to the maintenance and support of the other individual and the relationship, even if both individuals are not required to contribute equally to the relationship.

Md. Code Ann., Health-Gen. § 6-101(a) (2009 Repl. Vol.) (emphasis added). As the italicized paragraph provides, parties who are already in a marriage, civil union, or domestic partnership may not form a new domestic partnership "with another individual," but apparently may do so with their existing partner.<sup>11</sup> The General Assembly did

<sup>11</sup> We acknowledge that, read in isolation, the term "another individual" could be read simply to refer to the fact that one enters into a marriage, civil

not include a similar provision addressing civil unions in Chapter 2, and also did not distinguish pre-existing civil unions between the same people who now wish to be married and pre-existing unions with third parties. That the Legislature evidently knew how to include such provisions suggests that their absence was intended, see *Chow v. State*, 393 Md. 431, 457-58 (2006), and that the parties to out-of-state civil unions would not be precluded from marrying in Maryland.<sup>12</sup>

The Attorney General of Connecticut reached a similar conclusion in an opinion concerning the effects of the decision in *Kerrigan v. Commissioner of Public Health*, 289 Conn. 135, 957 A.2d 407 (2008), which held that, under that state's Constitution, same-sex couples had a right to marriage and not just a civil union. Op. Conn. Att'y Gen., No. 2008-019 (Oct. 28, 2008). The Connecticut Attorney General's Opinion concluded that the State would recognize the validity of out-of-state same-sex marriages and out-of-state civil unions—a result we believe would hold true in Maryland as well—but found that the existence of an out-of-state civil union would not pose an obstacle to marriage by the same parties. Although Connecticut law prohibited an individual from entering into a civil union if he or she is already married, the converse did not hold true: "[T]here is no law that requires a same sex couple to dissolve their civil union prior to marriage to each other." *Id.*

The Connecticut Attorney General did not opine on whether a same-sex couple would have to dissolve their civil union prior to marrying other partners, but the courts of other states have reached the conclusion that they would. In *Elia-Warnken*, the Supreme Judicial Court of Massachusetts held that a Vermont civil union must be dissolved before a party to that union may marry another person. The court found that civil unions in Vermont were equivalent to marriage in that they carried the same rights and responsibilities, and that refusing to recognize a civil union in this context would "be inconsistent with the core legal and public policy concerns articulated in *Goodridge [v. Department of Public Health]*, 440 Mass. 309, 798 N.E.2d 941 (Mass. 2003)] and [*In re] Opinions of the Justices to the Senate*], 440 Mass. 1201, 802 N.E.2d 565 (Mass. 2004)]." 463 Mass. at 33-34, 972 N.E.2d at 21. The court also noted that, if the civil

union, or domestic partnership with another individual. If read in this way, this provision would mean simply that one cannot enter into a domestic partnership if one is already married or in an alternative union—arguably a reasonable outcome. This reading, however, renders the phrase "with another individual" mere surplusage, which canons of statutory construction caution us to avoid. See *Armstrong v. Mayor of Baltimore*, 409 Md. 648, 694 (2009) (stating that "one of the cardinal rules of statutory interpretation" is to "ensur[e] that 'no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory'" (quoting *Jackson v. State*, 408 Md. 231, 236-37 (2009))). More importantly, the definition begins with the reference to "two individuals," the clear implication being that "another individual" must refer to a third party. This is how the Register of Wills for Howard County has interpreted the provision. See Byron E. Macfarlane, Register of Wills, "Domestic Partner Inheritance Tax Exemption For Real Property (describing domestic partnership and stating that, in order to qualify, the parties cannot be "married or in a civil union or domestic partnership with someone else") (available at <http://registers.maryland.gov/main/region/howard/Domestic%20Partner%20Inheritance%20Tax%20Exemption%20for%20Real%20Property%20-20Informational%20Guide.pdf> (last visited Nov. 14, 2012)).

<sup>12</sup> We believe it clearer still that same-sex couples who previously entered into a Maryland domestic partnership may marry under Chapter 2. Whereas the rights and obligations that flow from civil unions under other states' laws might not be coterminous with the rights and obligations attendant to a Maryland marriage, the rights afforded domestic partners under Maryland law are a subset of those afforded married couples. See generally Health-Gen. §§ 6-201 through 6-203. Some states expressly provide for the merger of the two unions, see Conn. Gen. Stat. § 46b-38qq, rr; others do not, see *Elia-Warnken*, 463 Mass. at 31, 972 N.E.2d at 19 (discussing the lack of a merger provision in Vermont law).

union were not recognized and dissolved, plaintiff would “have two legal spouses, each of whom could expect virtually the same obligations from him, such as spousal or child support, inheritance, and healthcare coverage.” *Elia-Warnken*, 463 Mass. at 34, 972 N.E.2d at 21; *see also Hunter v. Rose*, 463 Mass. 488 (Sept. 28, 2012) (reaching the same conclusion with respect to registered domestic partnerships from California).

Although Maryland does not have a statutory procedure for dissolving civil unions, and there are no reported Maryland cases on this issue, we think a Maryland court would recognize an out-of-state civil union within the context of a divorce proceeding. *See Dickerson v. Thompson*, 73 A.D.3d 52, 897 N.Y.S.2d 298, 299-301 (N.Y. App. Div. 2010), *cited with approval in Port v. Cowan*, 426 Md. at 453-54; *Alons v. Iowa Dist. Court*, 698 N.W.2d 858, 862 (Iowa 2005). Put another way, a couple who has entered into a civil union elsewhere and then a marriage in Maryland might need to dissolve both the union and the marriage in order to achieve a full “divorce.” That possibility, however, does not bear on the clerk’s authority to issue them a Maryland license.

Synthesizing the law in this developing area yields the conclusion that couples need not dissolve an out-of-state civil union to marry each other here in Maryland, but must do so if they wish to marry third parties. That appears to be the conclusion reached by others who monitor the development of these issues. *See* Equality Maryland, “We Won Marriage – Now What? Answers to Your Questions” (*available* at <http://www.equalitymaryland.org> (last visited Nov. 14, 2012)) (“As long as you wish to marry the same person that you entered into the civil union or domestic partner registry with, you can proceed with obtaining a marriage license in Maryland.”). Nonetheless, we acknowledge considerable concern about the ramifications of this conclusion. Although allowing the parties to un-dissolved civil unions to marry one another does not involve the obvious difficulties that arise when the parties seek to marry third parties, it would still raise potentially difficult conflicts of law when trying to sort out the privileges and obligations that attend to the two unions. The same conflicting responsibilities concerning “child support, inheritance, and healthcare coverage” that prompted the conclusion in *Elia-Warnken* that the parties would have to dissolve their civil union prior to marrying third parties would apply with similar, if not equal, force when the parties wish to marry each other.

The resolution of these issues must necessarily depend on the specific attributes of civil unions formed under the laws of the state of origin. For example, Maryland courts may, as the Supreme Judicial Court of Massachusetts did in *Elia-Warnken*, recognize an out-of-state civil union “as the equivalent of marriage” when “the rights and obligations procured by those entering in a civil union were functionally identical to those of marriage.” 463 Mass. at 35, 33, 972 N.E.2d at 21, 20; *see also* Op. N.J. Att’y Gen. No. 3-2007 (Feb. 16, 2007) (identifying the foreign same-sex unions that “closely approximate” either New Jersey civil unions or domestic partnerships and, thus, will be recognized as such in New Jersey). If the Maryland courts were to do so, the existence of the out-of-state civil union, recognized as a *marriage* under Maryland law, might call into question the validity of a second marriage. The determination of whether a particular out-of-state civil union so qualifies, however, must await a specific factual context. As to the marriage license issue you have raised, we think the better reading of Chapter 2 is that the Legislature did not intend to preclude couples who have entered into a “civil union” in another state from marrying here.<sup>13</sup>

### C. *Questions Concerning the Form that Wedding Vows Should Take Under Chapter 2*

Your remaining questions relate to the form of the vows that clerks and other authorized State officials, and the parties being married, recite to solemnize same-sex marriages. Specifically, you seek our opinion as to what form those vows should take. The statute provides little guidance; it provides that “[t]he county administrative judge of the circuit court of the county shall designate . . . the form of the marriage ceremony to be recited by the clerk or deputy clerk and the parties being married,” FL § 2-406(f)(2), but it provides nothing to direct the administrative judges in their designation. Consequently, the form of the marriage vows to be performed by the clerks is left largely to the administrative judge’s discretion.

The discretion to craft marriage vows is not, however, unbounded. Although we have been unable to find any case authority specifically governing the form of civil marriage vows, we expect that any *substantive* difference between the form of the vows used to join same-sex couples and those used to join opposite-sex couples could raise constitutional questions under Maryland law, which—as of January 1, 2013—will not distinguish between such marriages. By contrast, non-substantive nomenclatural differences would likely not raise such constitutional questions. This is not to say that words do not matter in how we characterize and solemnize same-sex marriages; they clearly do. *See, e.g., Opinions of the Justices to the Senate*, 440 Mass. 1201, 1207 (2004) (“The dissimilitude between the terms ‘civil marriage’ and ‘civil union’ is not innocuous; it is a considered choice of language that reflects a demonstrable assigning of same-sex, largely homosexual, couples to second-class status.”). But differences in terminology that are limited to the designation of the parties to the marriage—for example, “husband and husband” versus “husband and wife”—do not demean the parties or impair the integrity of the bond formed and, we believe, do not raise constitutional concerns as a result. With these principles in mind, we turn to the specific questions you pose.

8. *Should clerks use two sets of vows, one for traditional unions and one for same-sex unions, or should they only use the new vows composed for same-sex unions? In other words, may clerks’ offices offer each couple the opportunity to select from a standard and alternative text (using “spouse” as standard and “husband and wife” as alternative)?*
9. *If the clerks may lawfully offer each couple the opportunity to select from a standard and alternative text for their marriage vows (using “spouse” as standard language, and offering “husband and wife” as an alternative), should this option be available to both opposite and same-sex couples?*

The statute and case law provide little guidance on what form the vows should take, which leaves the administrative judges of the circuit courts with a relatively free hand in crafting the ceremony. When they do so, however, we would recommend that the administrative judges be mindful of not characterizing one form of marriage vows as “traditional” or solemnizing marriages with language that could be seen as stigmatizing the union into which the parties enter. Using a single, gender-neutral set of vows for all couples would eliminate any possibility of discrimination, but it may

<sup>13</sup> We note in this respect that the decision whether to issue a marriage license is not the appropriate context for resolving possible conflicts between Maryland’s marriage laws and the civil union laws of other states. The clerks “act in a ministerial capacity in issuing the marriage licenses,” 25 *Opinions of*

*the Attorney General* at 120, and just as they are “without authority to pass upon the various legal questions that may arise respecting the validity of a foreign divorce,” *id.*, they are equally without authority to determine whether a civil union entered into the laws of a particular state is the equivalent of marriage here in Maryland.

disappoint opposite-sex couples who wish to hear the pronouncement of “man and wife,” as well as same-sex couples who look forward to hearing themselves declared “husband and husband” or “wife and wife.” We would instead recommend that the administrative judges offer all parties a choice of different terminologies or, better yet, the opportunity to choose exactly how they will be referred to in their vows. Leaving the nomenclatural decision to the parties themselves will ensure that all parties receive the ceremony they desire and, thus, remove any question of discriminatory effect.

### III

#### Conclusion

In summary, our answers to your questions are as follows:

1. Clerks may begin taking applications for marriage licenses for same-sex marriages immediately.

2. Clerks, if they so choose, may begin issuing marriage licenses for same-sex marriages once the Governor proclaims that Chapter 2 has been approved by the voters, which is expected to be December 6, 2012, but such licenses must specify that they are not effective until January 1, 2013. Ceremonies may be performed beginning on January 1, 2013.

3. Clerks may begin delivering issued licenses for same-sex marriages to the parties on December 6, 2012, if the licenses bear a January 1, 2013 effective date. If they do not so specify, the license may not be delivered until January 1, 2013.

4. If the clerk issues a license earlier than December 30, 2012, but with a January 1, 2013, effective date, the provisions for the waiting period in FL § 2-405(d) are subsumed by the much longer waiting period effectively established on the face of the license.

5. A same-sex couple who has already been married in a state where it was legal to do so prior to January 1, 2013, cannot now get a license and marry in Maryland as long as the out-of-state marriage remains intact.

6. The conclusion that a couple already married cannot get a license would still apply where that couple could not have previously been married in Maryland. Maryland’s recognition of out-of-state same-sex marriage does not affect this determination.

7. In the absence of statutory language prohibiting the issuance of a marriage license to a couple who has entered into a civil union in another state, we see no obstacle to the issuance of a license in such situations. We recognize that the extent to which a civil union performed elsewhere has created rights and obligations that might run parallel to, or conflict with, those incident to a Maryland marriage poses novel questions. Nonetheless, in our opinion, the likelihood that such questions will arise in the context of such events as a divorce, death, or adoption does not create such absurd results that an exclusion of these couples from the right to marry in Maryland should be read into the statute. Whether a “civil union” entered into in a state allowing it would be recognized as a *marriage* in Maryland and, thus, bar a subsequent marriage, poses a different question, the answer to which depends on the specific rights and obligations of the civil union. That question cannot, however, be resolved within the marriage licensing context.

8. Although the Administrative Judge in each circuit retains considerable discretion over the form that the vows are to take, we recommend that the clerks offer each couple the opportunity to select from a variety of texts that allow them to specify how they wish to refer to themselves.

9. Although the clerks may lawfully offer each couple the opportunity to select from various sets of vows, the clerks and Administrative Judges must avoid labels such as “standard” and

“alternative” vows that would effectively stigmatize one set or the other.

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#### *Editor’s Note:*

This opinion has been revised to correct certain citations and to substitute the term “two-day” for “48-hour” in describing the waiting period required under FL § 2-405(d)(1).

# Open Meetings Compliance Board

## SUMMARY OF OPINIONS ISSUED FROM AUGUST 3, 2012 — DECEMBER 3, 2012\*

**8 Official Opinions of the Compliance Board 107 (2012)**

Maryland Transportation Authority

Craig O'Donnell

August 3, 2012

**Topics discussed:** administrative function exclusion (oversight of audit staff not involving prospective policies)

**8 Official Opinions of the Compliance Board 111 (2012)**

Northeast Maryland Waste Disposal Authority

Michele J. Fluss

September 24, 2012

**Topics discussed:** methods of giving notice of meetings; meeting by conference call; meeting location; timely preparation and adoption of minutes

**8 Official Opinions of the Compliance Board 115 (2012)**

Maryland State Board of Morticians and Funeral Directors

James J. Doyle, Esquire

September 26, 2012

**Topics discussed:** quasi-judicial and administrative function exclusions (claims proceedings)

**8 Official Opinions of the Compliance Board 118 (2012)**

Pines Community Improvement Association, Inc.

Ann Meade Daniel

September 26, 2012

**Topics discussed:** definition of public body (not met by privately - created and privately - governed association)

**8 Official Opinions of the Compliance Board 120 (2012)**

Board of Commissioners of Charles County

Lee Platt

October 9, 2012

**Topics discussed:** meeting closed under personnel exception (appointments of volunteers to commissions)

**8 Official Opinions of the Compliance Board 122 (2012)**

Town of Betterton

Craig O'Donnell

November 7, 2012

**Topics discussed:** reporting requirements applicable to closed meetings; adequacy of minutes

\*The full text of these opinions can be found at <http://www.oag.state.md.us/Opengov/Openmeetings/index.htm>.

# The General Assembly

For additional up-to-date information concerning bills introduced in the General Assembly, log on to <http://mlis.state.md.us> Click on Bill Information and Status. You may then enter a specific bill number for information about that bill. You may also click on Senate Synopsis or House Synopsis for the most recent synopsis list for each house, or click on Synopsis Index for a listing of all bill synopses since the beginning of the legislative session.

## SYNOPSIS NO. 1

### House Bills

**HB0001** Del K. Kelly, et al. Criminal Law - Cannabimimetic Agents - Prohibition.

**HB0002** Del Sophocleus. Creation of a State Debt - Anne Arundel County - Meade High School Concession Stand.

**HB0003** Del Beidle. Motor Vehicles - Mopeds and Motor Scooters - Valid Drivers' Licenses or Permits.

**HB0004** Dels Haddaway-Riccio and Eckardt. Alcoholic Beverages - Brewery License - On-Premises Consumption.

**HB0005** Del Hixson. Creation of a State Debt - Montgomery County - Pyramid Atlantic Art Center Space at the Silver Spring Library.

**HB0006** Del Hixson. Creation of a State Debt - Montgomery County - Takoma Park Silver Spring Shared Use Community Kitchen.

**HB0007** Del Bohanan. Southern Maryland Higher Education Council - Modifications.

**HB0008** Del Vitale. Estates and Trusts - Guardianship Accounts - Form and Limits.

**HB0009** Del Hixson. Health - Food Allergy Awareness.

**HB0010** Del Haddaway-Riccio. Family Law - Denial of Custody or Visitation - Sexual Abuse of a Minor.

**HB0011** Del McMillan. Maryland-Mined Coal Tax Credit - Repeal.

**HB0012** Del Arora. Crimes - Aiming Laser Pointer at Aircraft.

**HB0013** Del Cane. State Designations - State Sandwich - Soft-Shell Crab Sandwich.

**HB0014** Dels Simmons and K. Kelly. Criminal Law - Part-Time School Employees and Coaches - Sexual Contact with Minors.

**HB0015** Del Bromwell. Secondhand Precious Metal Object Dealers - Locations for Transaction of Business.

**HB0016** Dels Arora and Kipke. State Government - Administrative Procedure Act - Effective Date of Adopted Regulations.

**HB0017** Del Reznik. Elective Franchise - Registration and Voting at Polling Places.

**HB0018** Del Vitale. Anne Arundel County - Alcoholic Beverages - Refillable Container License.

**HB0019** Del B. Robinson. Minority Business Enterprise Waiver Disclosure Act.

**HB0020** Del B. Robinson. Minority Business Enterprise Program - Participation Subgoals - Prime Contractors.

**HB0021** Del Vitale. Property Tax - Exemption for Blind Individuals and Surviving Spouses.

**HB0022** Del Nathan-Pulliam. Adoption - Access to Birth and Adoption Records and Search, Contact, and Reunion Services.

**HB0023** Del Beidle. Condominiums and Homeowners Associations - Contracts for Resale - Notice of Potential Special Assessments.

**HB0024** Del B. Robinson. Minority Business Enterprises - Time Frame and Monitoring of Payments.

**HB0025** Del B. Robinson. Minority Business Enterprises - Board of Public Works - Regulations.

**HB0026** Del B. Robinson. Minority Business Enterprise Program - Former Subcontractors Transitioning to Prime Contractors.

**HB0027** Del Cluster. Correctional Services - Child Pornography Offenders - Diminution Credits and Parole.

**HB0028** Del Cluster. Public Safety - Handgun Permits - Renewal Period for Retired Law Enforcement Officer.

**HB0029** Del Vitale. Electric Companies - Rate Adjustment or Fees to Recover Profits Lost During Service Disruption - Prohibition.

**HB0030** Del Smigiel. Gaming - Video Lottery Terminals - Repeal of Constitutional Amendment - Changes to Statutory Provisions.

**HB0031** Dels Arora and Dumais. Criminal Law - Fourth-Degree Sex Offense - School Employees and Contractors.

**HB0032** Del Arora. Drunk Driving - Transporting Minor - Ignition Interlock System Program.

**HB0033** Del B. Robinson. Procurement - Minority Business Enterprise Directory - Contract Amount.

**HB0034** Del Aumann. State Government - Commemorative Day - German-American Heritage Day.

**HB0035** Del K. Kelly. Criminal Law - Wearing, Carrying, or Transporting a Handgun - Active Assignment Exception.

**HB0036** Dels Wilson and Arora. Vehicle Laws - Seat Belts and Child Safety Seats.

**HB0037** Del Nathan-Pulliam. State Government - Commemorative Days - Maryland Centenarians Day.

**HB0038** Del Smigiel. Public Safety - Handgun Permits - Applicant Qualifications.

**HB0039** Del Cluster. Baltimore County Revenue Authority - Member Qualifications - Criminal Conviction Prohibition.

**HB0040** Del Carr. Residential Property Sales - Disclosure of Utility Consumption.

**HB0041** Del Cluster. Baltimore County Revenue Authority - Approval of Appointments.

**HB0042** Del Cane. Creation of a State Debt - Talbot County - Easton Head Start Center.

**HB0043** Del Glass. Income Tax Credit for Qualifying Employees - Sunset Repeal and Expansion.

**HB0044** Del Vitale. Environment - Maryland Clean Water Fund - Uses.

**HB0045** Del McMillan. Real Property - Residential Leases - Interest on Security Deposits.

**HB0046** Del B. Robinson. Baltimore City - 40th and 41st Legislative Districts - Alcoholic Beverages - Store Closing Hours.

**HB0047** Del McMillan. Income Tax - Joint Returns - Married Couples.

**HB0048** Del B. Robinson. Minority Business Enterprises - Not-for-Profit Entities.

**HB0049** Del B. Robinson. Election Law - Petitions - Confidentiality.

**HB0050** Del B. Robinson. Minority Business Enterprise Certification - Cap on Personal Net Worth.

**HB0051** Del Smigiel. Vehicle Laws - Special Registration Plate - United States Armed Forces.

**HB0052** Del Hixson. Sales and Use Tax - Tax-Free Periods - University and College Textbooks.

**HB0053** Del B. Robinson. State Procurement - Use of State Residents and Businesses.

**HB0054** Del B. Robinson. Criminal Procedure - State Vulnerable-Adult Abuser Registry.

**HB0055** Del B. Robinson. Labor and Employment - Sick Leave Policy - Requirement.

- HB0056** Dels Smigiel and Dumais. Professional Counselors and Therapists - Qualifications, Surrender of Licenses and Certificates, and Disciplinary Actions.
- HB0057** Del B. Robinson. Department of Health and Mental Hygiene - Health Care Facilities - Abuser Registry.
- HB0058** Del Smigiel. Sales and Use Tax - Exemption - University and College Textbooks.
- HB0059** Del McMillan. Dedicated State Funds Protection Act.
- HB0060** Dels Smigiel and Dumais. Criminal Law - Professional Counselors and Therapists - Conduct (Lynette's Law).
- HB0061** Dels McConkey and Waldstreicher. State Brain Injury Trust Fund.
- HB0062** Del Aumann. Property Tax Exemption - Surviving Spouse of a Veteran - Eligibility.
- HB0063** Del Cardin, et al. Maryland Consolidated Capital Bond Loan of 2010 - Baltimore County - Owings Mills High School Stadium.
- HB0064** Del Busch. Creation of a State Debt - Anne Arundel County - Mayo Civic Association Community Hall.
- HB0065** Del Busch. Maryland Consolidated Capital Bond Loan of 2010 - Anne Arundel County - Annapolis High School Booster Club Concession Stand.
- HB0066** Dorchester County Delegation. Dorchester County - Turkey Hunting on Public Land - Sundays.
- HB0067** Del Kipke. Health Care Decisions Act - Incapacity to Make Informed Decision - Certification by Psychologist.
- HB0068** Dorchester County Delegation. Dorchester County - Alcoholic Beverages - Micro-Breweries.
- HB0069** Dorchester County Delegation. Dorchester County - Restriction on Sunday Gaming - Repeal.
- HB0070** Del Carr. State Government - Access to Public Records in Electronic Formats - Termination Date.
- HB0071** Del O'Donnell. Homeowner's Insurance - Underwriting Based on Geographic Area.
- HB0072** Del O'Donnell. Natural Resources - Aquaculture Coordinating Council - Reporting Date.
- HB0073** Del O'Donnell. Presidential Elections - Agreement Among the States to Elect the President by National Popular Vote - Repeal.
- HB0074** Del Feldman. Alcoholic Beverages - Consumption of Wine Not Bought from License Holder.
- HB0075** Del Feldman. Utility Service Protection Program - Annual Report - Deadline.
- HB0076** Del Clagett. Maryland Consolidated Capital Bond Loan of 2011 - Frederick County - Frederick Alliance For Youth - Youth and Community Center.
- HB0077** Del McHale. State Government - Commemorative Month - Irish American Heritage Month.
- HB0078** Del Simmons, et al. Civil Actions - Personal Injury or Death Caused by Dog - Rebuttable Presumption.
- HB0079** Del Nathan-Pulliam, et al. Creation of a State Debt - Baltimore County - Youth in Transition School.
- HB0080** Del McIntosh, et al. Creation of a State Debt - Baltimore City - Stone House Preservation and Rehabilitation.
- HB0081** Del McIntosh, et al. Creation of a State Debt - Baltimore City - Rebirth Community Center.
- HB0082** Del Busch. Maryland Consolidated Capital Bond Loan of 2012 - Anne Arundel County - Shiplap House.
- HB0083** The Spkr (Md Jud). Judgeships - Court of Special Appeals, Circuit Courts, and District Court.
- HB0084** Del Busch. Creation of a State Debt - Anne Arundel County - William Paca House Restoration.
- HB0085** Del B. Robinson. Income Tax - Subtraction Modification - Segal AmeriCorps Education Award.
- HB0086** Del B. Robinson. Baltimore City - Alcoholic Beverages - Licensed Establishments - Sales to Minors.
- HB0087** Del Luedtke, et al. Income Tax - Subtraction Modification - Student Loan Debt.
- HB0088** Dels Arora and Feldman. Real Property - Refinance Mortgage - Priority over Junior Liens.
- HB0089** Del Barkley, et al. Gas Companies - Rate Regulation - Infrastructure Replacement Surcharge.
- HB0090** Dels K. Kelly and Kipke. State Government - Access to Public Records - Handgun Permit Records.
- HB0091** Del Stifler. Income Tax Checkoff for Wounded Warrior Programs.
- HB0092** Del Jones, et al. Creation of a State Debt - Baltimore County - Easter Seals Adult Day Services Center Expansion.
- HB0093** Del Jones, et al. Creation of a State Debt - Baltimore County - Diversified Housing Development.
- HB0094** Del Busch. Maryland Consolidated Capital Bond Loan of 2006 - Anne Arundel County - Chesapeake Children's Museum.
- HB0095** Chr ENV (Dept). Environment - Permits - New Source Performance Standards.
- HB0096** Chr ENV (Dept). Natural Resources - Restricted Shellfish Harvest Areas - Water Testing.
- HB0097** Chr ENV (Dept). Environment - Sediment Control and Stormwater Management Plans - Authority.
- HB0098** Del Hubbard. State Board of Examiners of Psychologists - License Renewal.
- HB0099** Del Hubbard. Public Health - Child Care Products Containing Flame-Retardant Chemicals (TRIS) - Prohibition.
- HB0100** The Spkr (Admin). Budget Bill (Fiscal Year 2014).
- HB0101** The Spkr (Admin). Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2013, and the Maryland Consolidated Capital Bond Loans of 2006, 2007, 2008, 2009, 2010, 2011, and 2012.
- HB0102** The Spkr (Admin). Budget Reconciliation and Financing Act of 2013.
- HB0103** Del Morhaim, et al. School Buildings - Solar Technology - Design Development Documents.
- HB0104** Del McDermott, et al. Occupational Safety and Health - Good Faith Actions by Business Owners - Penalty Forgiveness.
- HB0105** Del Pena-Melnyk, et al. Creation of a State Debt - Prince George's County - Pregnancy Aid Center.
- HB0106** Del McDermott, et al. Sustainable Growth and Agricultural Preservation Act of 2012 - Repeal.
- HB0107** Del Gutierrez, et al. Firearms - Detachable Magazines - Maximum Capacity for Ammunition.
- HB0108** Del Lafferty. Housing and Community Development - Neighborhood and Community Assistance Program - Project Proposals.
- HB0109** Del Hubbard, et al. Creation of a State Debt - Prince George's County - Holy Trinity Episcopal Day School Air-Supported Structure (Athletic & Arts Center).
- HB0110** Del Hubbard, et al. Creation of a State Debt - Prince George's County - Bowie Lions Club Renovation.
- HB0111** Del Pena-Melnyk, et al. Maryland Consolidated Capital Bond Loan of 2006 - Prince George's County - College Park City Hall.
- HB0112** Del Stukes, et al. Task Force to Study Abuse of Workers' Compensation.
- HB0113** Del Kipke (AA Co Admin), et al. Anne Arundel County Board of Education - Selection of Members - Straw Ballot.
- HB0114** Del Stukes, et al. Task Force to Study Recovery Efforts Following Residential Fires.
- HB0115** The Spkr (Admin). Creation of a State Debt - Qualified Zone Academy Bonds.
- HB0116** Del Mitchell, et al. Courts and Judicial Proceedings - Interception of Communications - Abuse or Neglect of Vulnerable Adult and Medicaid Fraud.

- HB0117** Del Branch, et al. Consumer Protection - Television Service Providers - Missed Appointments.
- HB0118** Del Clagett. Maryland Consolidated Capital Bond Loan of 2011 - Frederick County - Cultural Arts Center.
- HB0119** Del Clagett. Creation of a State Debt - Frederick County - Mental Health Association Building.
- HB0120** Del Clagett. Creation of a State Debt - Frederick County - The Jane Hanson National Memorial.
- HB0121** Del Clagett. Creation of a State Debt - Frederick County - Culler Lake Stormwater Management.
- HB0122** Del Davis. Commercial Law - Automotive Repair Facilities - Tire Repairs.
- HB0123** Del Serafini. Income Tax - Subtraction Modification - Credit Card Debt Forgiveness.
- HB0124** Del Davis. Public Utilities - Telephone Service - Charges for Directory Assistance.
- HB0125** Del Stukes. Tax Sales - Reimbursement for Attorney's Fees.
- HB0126** Del Davis. Consumer Protection - Maryland Consumer Protection Act - Scope and Penalties.
- HB0127** Del Davis. Labor and Employment - Payment of Overtime Wages.
- HB0128** Del M. Washington, et al. Homestead Tax Credit - Eligibility Verification and Application - Extension.
- HB0129** Chr JUD (Md Jud Conf). Task Force to Study Implementing a Civil Right to Counsel in Maryland.
- HB0130** Chr JUD (Chief Judge, Court of Appeals). Civil Actions - Award of Attorney's Fees and Expenses.
- HB0131** Del Lafferty. Criminal Law - Access to Firearms - Penalties.
- HB0132** Del Barnes, et al. Creation of a State Debt - Prince George's County - Laurel Boys and Girls Club Renovation.
- HB0133** Dorchester County Delegation. Dorchester County - Alcoholic Beverages - Refillable Containers.
- HB0134** Del McHale, et al. Alcoholic Beverages - Baltimore City - 46th District - Class B Location Restrictions - Limited Exemption.
- HB0135** Dels A. Miller and S. Robinson. Environment - Motor Vehicle Batteries - Recycling.
- HB0136** Del A. Miller. State Personnel - Teleworking - Eligibility.
- HB0137** Del Kipke, et al. Election Law - Polling Places - Proof of Identity.
- HB0138** Del Kipke (AA Co Admin), et al. Video Lottery Proceeds - Education Trust Fund - Security and Mental Health Services at Public Schools.
- HB0139** Del O'Donnell. Training for Public Open Meetings Act.
- HB0140** Del O'Donnell. State Government - Open Meetings Act - Penalty.
- HB0141** Del O'Donnell. Ethics Law - Soliciting the Employment of Lobbyist.
- HB0142** Del O'Donnell. General Assembly - Advocating for or Directing an Entity to Hire a Member's Relative - Prohibited.
- HB0143** Del O'Donnell. Former Members of the General Assembly and Former Legislative Branch Officials - Employment Restrictions.
- HB0144** Del O'Donnell. Ethics - Executive Branch - Lobbying by Former Officials.
- HB0145** Del George. City of Annapolis - Alcoholic Beverages - Refillable Container License.
- HB0146** Del Kipke (AA Co Admin), et al. Education - Public Charter Schools - Capital Improvement Requests.
- HB0147** Del McDermott, et al. Contraband Tobacco Products - Disposition of Seized Contraband.
- HB0148** Del McConkey, et al. State Government - Refund of Fees - Policy.
- HB0149** Del Anderson (BCA), et al. Baltimore City - AIDS Prevention Sterile Needle and Syringe Exchange Program.
- HB0150** Del Kipke, et al. Vehicle Laws - Accidents Resulting in Death or Life-Threatening Injury - Mandatory Drug and Alcohol Testing (Kara's Law).
- HB0151** Del A. Miller. Sales and Use Tax - Tax-Free Period - Emergency Preparedness Equipment.
- HB0152** Del Anderson, et al. Criminal Procedure - Successive Federal and State Prosecutions - Bar.
- HB0153** Del Anderson, et al. Office of the Public Defender - Representation at Bail Hearing - Provisional.
- HB0154** Del Anderson, et al. Criminal Procedure - District Court - Stay of Sentence Pending Appeal.
- HB0155** Del Cluster, et al. Baltimore County Revenue Authority - Purchases - Competitive Bidding.
- HB0156** Del Reznik, et al. Criminal Law - Theft of Wheeled Cart - Penalty.
- HB0157** Del Bates, et al. Income Tax - Expensing of Business Property and Bonus Depreciation.
- HB0158** Del Reznik, et al. Vehicle Laws - Child Safety Seats and Seat Belts - Penalty.
- HB0159** Del Hough, et al. Home Improvement Contractors - Qualifications of Applicants - Trade Experience.
- HB0160** Del A. Miller. Bicycles, Play Vehicles, and Unicycles - Riding on Sidewalks.
- HB0161** Del Carr. County Property Taxes - Classes of Property - Special Rates and Limits.
- HB0162** Caroline County Delegation. Caroline County - Alcoholic Beverages - Micro-Brewery Licenses.
- HB0163** Chr Anne Arundel County Delegation. Circuit Court for Anne Arundel County - Judges Sitting as Orphans' Court.
- HB0164** Chr HGO (Dept). Department of Health and Mental Hygiene - Regulatory Authority - Permit and Licensing Renewals and Building Plan Reviews.
- HB0165** Del Cluster, et al. Elementary and Secondary Education - Security - School Resource Officers.
- HB0166** Del Cluster, et al. Speed Monitoring and Work Zone Speed Control Systems - Daily Calibration and Video Recordings.
- HB0167** Del Ivey, et al. State Government - Commemorative Days - Maryland Emancipation Day.
- HB0168** Del Ivey, et al. Creation of a State Debt - Prince George's County - Cheverly United Methodist Church Kitchen and Public Accessibility Project.
- HB0169** Del Ivey, et al. Creation of a State Debt - Prince George's County - St. Ann's Security Renovations.
- HB0170** Del Clagett. Election Law - Early Voting Centers.
- HB0171** Del Clagett. Motor Vehicle Administration - Organ Donation - Presumed Consent (Patricia Hanberry Gift of Life Act).
- HB0172** Charles County Delegation. Charles County - Alcoholic Beverages Licensees - Nonalcoholic Items - Hours of Sale.
- HB0173** Charles County Delegation. Vehicle Laws - Charles County - Golf Cart Zones.
- HB0174** Del Jameson. Workers' Compensation - Payment for Physician-Dispensed Prescriptions - Limitations.
- HB0175** Frederick County Delegation. Frederick County - Slot Machines for Nonprofit Organizations.
- HB0176** Del Krebs, et al. Transportation Trust Fund Protection Act.
- HB0177** Del Gutierrez, et al. Creation of a State Debt - Montgomery County - The Writer's Center.
- HB0178** Dels Glenn and Haddaway-Riccio. Criminal Law - Dangerous Dogs - Registration and Penalties.
- HB0179** Del Hubbard, et al. Pharmacists - Administration of Vaccinations - Expanded Authority and Reporting Requirements.
- HB0180** Del Glenn, et al. Medical Marijuana - Caregiver - Affirmative Defense.
- HB0181** Del Ready, et al. Corporate Income Tax - Rate Reduction.

- HB0182** Del Kramer. Business Regulation - Other Tobacco Products Wholesalers - License Fee Exception for Cigarette Subwholesalers.
- HB0183** Del K. Kelly, et al. Correctional Training Commission - Correctional Officer Members.
- HB0184** Del Lafferty, et al. Income Tax Credit - Oyster Shell Recycling.
- HB0185** Del Cardin, et al. State Employee and Retiree Health and Welfare Benefits Program - Health Improvement and Cost Savings Act of 2013.
- HB0186** Del McDermott. Courts and Judicial Proceedings - Fees for Traffic and Criminal Convictions - Law Enforcement Training and Technology Fund.
- HB0187** Del W. Miller. Consumer Protection - Health Clubs - Surety Bond Requirements.
- HB0188** Del McDermott, et al. Retail Service Stations - Disaster Preparation - Generator Tax Credit.
- HB0189** Del Feldman. Courts - Peace Orders - Acts Committed Against Employees.
- HB0190** Del Mitchell, et al. District Court Electronic Citation Fund and Fee.
- HB0191** Del Mitchell, et al. Procurement - Maryland Buy American Steel and Manufactured Goods Act.
- HB0192** Del Mitchell, et al. Courts - Service of Process - Increase in Sheriff's Fees - Distribution to Rental Allowance Program Fund.
- HB0193** Del Frush, et al. Creation of a State Debt - Prince George's County - Chesapeake Math and IT Academy Gymnasium.
- HB0194** Del Anderson (BCA). Baltimore City - School Facilities - Funding.
- HB0195** Del Cardin, et al. Income Tax - Subtraction Modification - Military Health Care Pensions - Health Care Workforce Shortage.
- HB0196** Del Cardin, et al. Election Law - Special Elections - Voting by Mail.
- HB0197** Del Anderson (BCA). Criminal Law - Illegal Dumping and Litter Control Law - Penalties.
- HB0198** Del Cardin, et al. Maryland Transportation Authority - Electronic Toll Violations - Reporting.
- HB0199** Del Hershey, et al. Queen Anne's County - Beer, Wine and Liquor Tasting License.
- HB0200** Del Simmons, et al. Criminal Law - First Degree Assault - Strangulation.
- HB0201** Del Hershey, et al. Queen Anne's County - Property Tax Credit - Commercial Investment and Economic Development.
- HB0202** Del Stukes, et al. Criminal Law - Malicious Destruction of Property - Transit Vehicles.
- HB0203** Del Stukes, et al. Economic Development - Arts, Business, and Cultural District - Pennsylvania Avenue Corridor in Baltimore City.
- HB0204** Del Stukes, et al. Baltimore City - Charitable Gaming Events - For-Profit and Nonprofit Organizations.
- HB0205** Del Cardin, et al. Tax Overpayment - Interest on Refunds.
- HB0206** The Spkr (DLS). Health Occupations - Sunset Extension and Program Evaluation.
- HB0207** Del Luedtke, et al. Education - Chronically Absent Students.
- HB0208** Del Cardin. Interest Rate on Tax Deficiencies and Refunds.
- HB0209** The Spkr (DLS). State Board of Public Accountancy - Sunset Extension and Program Evaluation.
- HB0210** The Spkr (DLS). State Board of Foresters - Sunset Extension and Program Evaluation.
- HB0211** Del Vitale, et al. Public Safety - Handgun Permits - Qualifications.
- HB0212** Del Hershey, et al. Alcoholic Beverages - Queen Anne's County - Beer and Wine Festivals.
- HB0213** Del Hershey, et al. Queen Anne's County - Alcoholic Beverages - Inspectors.
- HB0214** Del Hershey, et al. Queen Anne's County - Deer Hunting on Private Property - Sundays.
- HB0215** Del Cane. Natural Resources Police Force - Number of Officers.
- HB0216** Del Hershey, et al. Queen Anne's County - Alcoholic Beverages - Micro-Brewery Licenses.
- HB0217** Del Rosenberg, et al. Early Voting Access Act of 2013.
- HB0218** Del George. Physician Assistants - Performance of X-Ray Duties.
- HB0219** Del Parrott. Criminal Procedure - No-Knock Search Warrants - Prior Notification of County.
- HB0220** Del Rosenberg, et al. Voters' Rights Protection Act of 2013.
- HB0221** Del Rosenberg, et al. Election Law - Petitions - Prohibited Actions.
- HB0222** Dels Rosenberg and Lafferty. General Assembly - Disclosure of Financial Interests.
- HB0223** Del Parrott, et al. Vehicle Laws - Maximum Speed Limits on Highways.
- HB0224** The Spkr (Admin), et al. Election Law - Improving Access to Voting.
- HB0225** The Spkr (Admin), et al. Veterans Full Employment Act of 2013.
- HB0226** The Spkr (Admin), et al. Maryland Offshore Wind Energy Act of 2013.
- HB0227** The Spkr (Admin), et al. Maryland Employment Advancement Right Now (EARN) Program.
- HB0228** The Spkr (Admin), et al. Maryland Health Progress Act of 2013.
- HB0229** The Spkr (Admin), et al. State Aid for Public Education - Certification of Net Taxable Income.
- HB0230** Del Schulz, et al. Alcoholic Beverages - Farm Breweries and Micro-Breweries.
- HB0231** Del Schulz, et al. Alcoholic Beverages - Class 7 Limited Beer Wholesaler's License.
- HB0232** Del Vitale, et al. Sales and Use Tax - Exemption - Parent-Teacher Organization Fundraisers.
- HB0233** Del McComas, et al. Elections - Study Commission on the Redistricting Process in Maryland.
- HB0234** Del Oaks, et al. Transportation - Baltimore Corridor Red Line Transit Study.
- HB0235** Del McComas, et al. Property Tax - Assessment Worksheets - Internet Access.
- HB0236** Del McComas, et al. Election Law - Districting Plan Questions - Inclusion of Map.
- HB0237** Del Oaks, et al. Baltimore City - Alcoholic Beverages - License Renewal.
- HB0238** Del Oaks, et al. Morgan State University - Board of Regents - Length and Limitation of Terms.
- HB0239** Del Kipke. Full Pension Funding Act.
- HB0240** Del James. Operating Budget - Capital Gains Tax Revenue - Appropriation to Revenue Stabilization Account.
- HB0241** Del Jacobs, et al. Commercial Fishing and Seafood Operations - Nuisance Actions - Exemption.
- HB0242** Del Cardin, et al. Election Law - Registration and Voting at Early Voting Centers.
- HB0243** Del McIntosh, et al. Creation of a State Debt - Baltimore City - Revitalization of Hobbs Fitness Center.
- HB0244** Chr JUD (Dept). Correctional Services - Department of Public Safety and Correctional Services - Subpoena Power.
- HB0245** Chr JUD (Dept). Family Law - Substance-Exposed Newborns.

- HB0246** Chr JUD (Dept). Juvenile Law - Placement Visits - Video Conferencing.
- HB0247** Chr JUD (Dept). Criminal Procedure - Criminal Justice Information System Central Repository - Administration.
- HB0248** Del Morhaim, et al. Creation of a State Debt - Baltimore County - Baltimore County Humane Society.
- HB0249** Del Kaiser, et al. Maryland Consolidated Capital Bond Loan of 2006 - Montgomery County - Our House Youth Home.
- HB0250** Del Smigiel, et al. Criminal Procedure - Victims' Rights - Remedy and Priority of Restitution.
- HB0251** Del Smigiel, et al. Vehicle Laws - Speed Monitoring and Work Zone Speed Control Systems - Repeal.
- HB0252** Del Smigiel, et al. State Development Plan - Repeal.
- HB0253** Washington County Delegation. Washington County - Amusement Devices.
- HB0254** Allegany County Delegation. Allegany County - Criminal Procedure - Custody of Arrested Persons Before Release.
- HB0255** Allegany County Delegation. Allegany County - Correctional Officers' Bill of Rights.
- HB0256** Del Clagett. Land Use - Development Rights and Responsibilities Agreements - Direct Judicial Review.
- HB0257** St. Mary's County Delegation. St. Mary's County - Adult Protective Services Review Board - Membership Requirements.
- HB0258** Del Rosenberg, et al. Task Force to Study Phased Retirement for Maryland State Employees.
- HB0259** Del Bobo, et al. Campaign Finance - Affiliated Business Entities - Attribution of Contributions.
- HB0260** Del James. Creation of a State Debt - Harford County - Humane Society Animal Shelter.
- HB0261** Del Schulz, et al. Corporate Income Tax - Rate Reduction.
- HB0262** Del Haddaway-Riccio, et al. Criminal Law - Distribution of Faked Controlled Dangerous Substance - Substantially Similar Chemical Structure.
- HB0263** Del Lafferty. Property Tax Credit - Historically and Architecturally Valuable Property.
- HB0264** Chr JUD (Dept). Juvenile Law - Juvenile Records - Disclosure.
- HB0265** Del Hubbard. University of Maryland Medical System Corporation - Public Information Act.
- HB0266** Caroline County Delegation. Chesapeake College - Board of Trustees - Appointment of Members.
- HB0267** Del Sophocleus, et al. Criminal Law - Controlled Dangerous Substances - Research - Synthetic Cannabinoids.
- HB0268** Chr APP (Dept). University of Maryland Center for Environmental Science - Joint Graduate Degree Granting Authority.
- HB0269** Del Luedtke, et al. Public Schools - Requirements for Controlled Access.
- HB0270** Del Haddaway-Riccio. Electrical Inspectors and Plumbing Inspectors - Master License Required.
- HB0271** Del Lafferty, et al. Creation of a State Debt - Baltimore County - Limekilns and Log House Stabilization Project at Cromwell Valley Park.
- HB0272** Del Jacobs, et al. Kent County - Deer Hunting on Private Property - Sundays.
- HB0273** Del Jacobs, et al. Kent County - Turkey Hunting on Private Property - Sundays.
- HB0274** Del Hubbard. State Board of Examiners of Psychologists - Psychology Associates - Licensure.
- HB0275** Wicomico County Delegation. Wicomico County Liquor Act of 2013.
- HB0276** Frederick County Delegation. Frederick County - Deer Hunting - Use of Rifles.
- HB0277** Chr JUD (Md Jud Conf). Children in Need of Assistance - Review Hearings.
- HB0278** Chr JUD (Md Jud Conf). Children in Need of Assistance - Rights of Preadoptive Parents, Foster Parents, and Caregivers of Child.
- HB0279** Del Schuh, et al. Business Regulation - Junk Dealers and Scrap Metal Processors - Holding Period for Junk and Scrap Metal.
- HB0280** Del Krebs, et al. Maryland Death Taxes - Family Property Protection Act.
- HB0281** Del Hough, et al. Determination of Unemployment Insurance Benefits - Voluntarily Leaving Work - Valid Circumstances.
- HB0282** Chr JUD (Md Jud Conf). Courts - Juveniles - Expungement of Records.
- HB0283** Del Hough, et al. Unemployment Insurance - Appeal of Benefit Determination - Discovery of Financial Crime.
- HB0284** Del Beitzel. Vehicle Laws - School Vehicles - Definition.
- HB0285** St. Mary's County Delegation. St. Mary's County - Alcoholic Beverages - Micro-Brewery License.
- HB0286** Del Niemann, et al. Real Property - Common Ownership Communities - Foreclosure of Liens.
- HB0287** Del Hubbard. Department of Health and Mental Hygiene - Study of Paratransit Services for Dialysis Patients.
- HB0288** St. Mary's County Delegation. St. Mary's County - Public Facility Bonds.
- HB0289** Del Cardin, et al. Maryland Loan Assistance Repayment Program for Physicians - Participation in a Consumer Operated and Oriented Plan (CO-OP) Network.
- HB0290** Caroline County Delegation. Chesapeake College - Authorization of Debt for Capital Projects - Simple Majority Plus One Requirement.
- HB0291** Del Feldman. Real Property - Stopping Fraud in Mortgage Assistance Relief Services Act of 2013.
- HB0292** Chr JUD (Dept). Public Safety - Statewide DNA Data Base System - DNA Sample Collection on Arrest - Repeal of Sunset.
- HB0293** Del Hubbard, et al. Construction Contracts Awarded by Public Bodies - Retention of Percentage as Security.
- HB0294** The Spkr (Admin), et al. Firearm Safety Act of 2013.
- HB0295** The Spkr (Admin), et al. Death Penalty Repeal and Appropriation from Savings to Aid Survivors of Homicide Victims.
- HB0296** Chr ECM. Division of Labor and Industry and Associated Boards and Councils - Sunset Extension and Program Evaluation.
- HB0297** Del Olszewski, et al. Creation of a State Debt - Baltimore County - Dundalk Youth Services Arts Center.
- HB0298** Carroll County Delegation. Carroll County - Alcoholic Beverages - Farmers' Markets.
- HB0299** Del Barkley, et al. Creation of a State Debt - Montgomery County - RCI Group Home Renovations.
- HB0300** Del Krebs. Carroll County - Alcoholic Beverages - Special Beer Festival Licenses.
- HB0301** St. Mary's County Delegation. St. Mary's County - Alcoholic Beverages - Class 6 Pub-Brewery License.
- HB0302** Del Glenn, et al. Maryland Medical Marijuana Act.
- HB0303** Del Nathan-Pulliam, et al. Task Force to Study Point-of-Care Testing for Lead Poisoning.
- HB0304** Del Afzali, et al. Transportation - Advertising Signs on State Highways for Agricultural Businesses Authorized.
- HB0305** Carroll County Delegation. Carroll County - Budgeting and Finance Procedures - Surplus Funds.
- HB0306** Del O'Donnell, et al. Natural Resources - Aquaculture - Shellfish Nursery Permits.
- HB0307** Carroll County Delegation. Carroll County - Maintenance of Effort - Adjustment for Decreasing Student Enrollment.
- HB0308** Del Krebs, et al. Taxpayer Protection Act - State Income Tax - Consumer Price Index Adjustments.
- HB0309** Del Norman, et al. Courts - Discovery - Examination in Aid of Enforcement of Money Judgment.

- HB0310** Carroll County Delegation. Carroll County - Gaming.
- HB0311** Del K. Kelly, et al. Crimes - Requirement to Report Death or Disappearance of Minor - Penalties.
- HB0312** Del Pena-Melnyk, et al. Mammograms - Dense Breast Tissue - Notification.
- HB0313** Dels Pena-Melnyk and V. Turner. State Board of Morticians and Funeral Directors - Funeral Establishments - Inspections.
- HB0314** Del Pena-Melnyk, et al. State Board of Morticians and Funeral Directors - Authority to Discipline - Funeral Establishment Licenses.
- HB0315** Del Hixson, et al. Residential Leases - Rent Stabilization and Just Cause Evictions.
- HB0316** Del Davis. Consumer Protection - Children's Online Privacy Protection.
- HB0317** Del W. Miller, et al. State Government - E-Verify Program.
- HB0318** Del W. Miller, et al. Labor and Employment - Labor Organizations - Right to Work.
- HB0319** Carroll County Delegation. Carroll County - Board of Education - Nonvoting Student Representative.
- HB0320** Chr Balt Co Deleg (Balt Co Admin). Vehicle Laws - Registration Plates for Individuals with Disabilities - Parking in Baltimore County.
- HB0321** Chr Balt Co Deleg (Balt Co Admin). Baltimore County Code of Public Local Laws - 2013 Edition - Legalization.
- HB0322** Del K. Kelly, et al. Motor Vehicle Administration - Yellow Dot Program.
- HB0323** Del Afzali. Election Law - Primary Elections - Dates.
- HB0324** Del Afzali, et al. Elections - Offenses Relating to Voting - Penalties.
- HB0325** Del Afzali, et al. Election Law - Qualification of Voters - Proof of Identity.
- HB0326** Del Glenn. Criminal Procedure - Vulnerable Adult Abuse Registry.
- HB0327** Del Ready, et al. State Government - Health, Education, and Social Services Provider Data Warehouse.
- HB0328** Del Feldman, et al. Biotechnology Investment Tax Credit - Qualified Maryland Biotechnology Company - Definition.
- HB0329** Dels Rosenberg and Kaiser. Nancy Grasmick Teacher Award and Walter Sondheim Jr. Public Service Summer Internship Scholarship - Qualifications.
- HB0330** Del Feldman, et al. Construction Safety and Health Training - Public Work Contracts.
- HB0331** Del Morhaim, et al. Open Meetings Act - Violations and Penalties.
- HB0332** Del Pena-Melnyk, et al. Public Safety - Emergency Management - Essential Goods and Services.
- HB0333** Dels Rosenberg and Haynes. Family Investment Program - Couples Advancing Together Pilot Program.
- HB0334** Del M. Washington, et al. Commercial Law - Consumer Protection - Rental-Purchase Transactions.
- HB0335** Del Mitchell, et al. Baltimore City - Community Development Projects - Payment in Lieu of Taxes Agreements.
- HB0336** Del Reznik, et al. Criminal Law - Table Games and Video Lottery Terminals - Playing by Individual Under 21 Years of Age.
- HB0337** Del S. Robinson, et al. Natural Gas - Hydraulic Fracturing - Prohibition.
- HB0338** Del Clippinger, et al. Criminal Law - Robbery - Charging Document.
- HB0339** Del McIntosh, et al. Vehicle Laws - Bicycles - Required Use of Protective Headgear.
- HB0340** Del Hogan, et al. Residential Real Property Sales - Property Tax Disclaimer.
- HB0341** Del S. Robinson, et al. Environment - Hydraulic Fracturing Wastewater - Prohibited Acts.
- HB0342** Del Hucker, et al. Homeowner's or Renter's Insurance and Private Passenger Motor Vehicle Insurance - Bundling Requirement - Prohibited.
- HB0343** Del Impallaria. Harford County - Alcoholic Beverages - Hours of Sale for Class B Licensees.
- HB0344** Del Impallaria. Harford County - Charitable Gaming.
- HB0345** Del Impallaria. Harford County Liquor Control Board - Reserve Account.
- HB0346** Dels Impallaria and McDonough. Harford County - Correctional Officers' Bill of Rights.
- HB0347** Chr ECM (Dept). Professional Engineers - Firm Permits.
- HB0348** Chr ECM (Dept). Unemployment Insurance - Employer Contributions - Application for Refund or Adjustment.
- HB0349** Chr ECM (Dept). Business Regulation - Cemeteries - Prohibited Acts and Penalties.
- HB0350** Chr ECM (Dept). Business Regulation - Outdoor Musical Festival Promoter License - Repeal of Safety Permit Requirement.
- HB0351** Chr ECM (Dept). State Athletic Commission - Amateur Mixed Martial Arts and Amateur Kick Boxing - Licensing and Regulation.
- HB0352** Chr ECM (Dept). State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors - Civil Penalties - Citation Authority.
- HB0353** Chr ECM (Dept). Professional Engineers and Professional Land Surveyors - Licensing - Examinations.
- HB0354** Chr ECM (Dept). Unemployment Insurance - Recovery of Benefits - Monetary Penalty for Fraud.
- HB0355** Chr ECM (Dept). State Board of Stationary Engineers - Qualifications for Stationary Engineer's Examination - Grade 1 and Grade 2.
- HB0356** Chr ECM (Dept). Military Personnel and Veteran-Owned Small Business No-Interest Loan Program.
- HB0357** Del Wood, et al. Potomac River Fisheries Commission - Inspection Tax and Penalty.
- HB0358** Del Zucker, et al. Maryland Consolidated Capital Bond Loan of 2010 - Montgomery County - Sandy Spring Museum.
- HB0359** Chr HGO (Dept). Militia - Maryland Defense Force - Enlistment Period.
- HB0360** Chr HGO (Dept). Health Insurance - Repeal of Obsolete Provisions of Law.
- HB0361** Chr HGO (Dept). Health Insurance - Conformity with Federal Patient Protection and Affordable Care Act.
- HB0362** Chr ENV (Dept). Public Ethics - Definition of "Interest" - Mutual Funds.
- HB0363** Del Hough, et al. Tax Increases - Majority Vote Required.
- HB0364** Dels Hucker and Feldman. Swimming Pools - Automated External Defibrillator Programs (Connor's Law).
- HB0365** Del Glass. Harford County - Archery Hunting - Safety Zone.
- HB0366** Del Glass, et al. Archery Hunting - Safety Zone.
- HB0367** Dels Glass and Dwyer. Hunting - Deer Firearms Season - January Days.
- HB0368** Del Glass, et al. Bow Hunting - Possession of Handguns for Protection.
- HB0369** Del Glass, et al. Hunting - Deer Muzzle Loader Season - January Days.
- HB0370** Del Costa. Workers' Compensation - Anne Arundel County Deputy Sheriff.
- HB0371** Del Glass, et al. Income Tax Credit - Cat and Dog Adoption.
- HB0372** Del Barve, et al. Recordation and Transfer Taxes - Transfer of Property Between Related Entities - Exemption.

**HB0373** Dels Haddaway-Riccio and Eckardt. Hospitals - Outpatient Services - Off-Site Facility - Rate Regulation.  
**HB0374** Del Malone, et al. Vehicle Laws - Registration Plates for Motorcycles - Individuals with Disabilities.  
**HB0375** Dels McIntosh and Hucker. Regulated Firearms - Database - Applications for Dealer's License - Record Keeping and Reporting Requirements.  
**HB0376** Del Griffith (Chr Jt Com on Pnsns). State Retirement and Pension System - Correction of Errors in Benefits.  
**HB0377** Dels Cluster and McDermott. Criminal Procedure - Court Order - Location of Mobile Communications Device.  
**HB0378** Del Stocksdale. Maryland Agricultural Land Preservation Fund - Easement Restriction - Reimbursement.  
**HB0379** Del Griffith (Chr Jt Com on Pnsns). State Retirement and Pension System - Administrative and Operational Expenses - Payments and Deductions.  
**HB0380** Del Barve, et al. Income Tax - Joint Returns - Married Couples.  
**HB0381** Del Tarrant, et al. General Assembly Members - Business Communications as Private Citizens - Notice.  
**HB0382** Del Niemann. Courts and Judicial Proceedings - Criminal Injuries Compensation Fund - Court Costs.  
**HB0383** Del Niemann. Gun Shops - Security Requirements for Regulated Firearms.  
**HB0384** Del Niemann. Admissions and Amusement Tax - Returns and Penalties.  
**HB0385** Del S. Robinson, et al. Chesapeake Conservation Corps Program - Extension.  
**HB0386** Del Barve, et al. Income Tax Credit - Qualified Research and Development Expenses - Credit Amounts and Small Business Refund.  
**HB0387** Del Bates. State Retirement and Pension System - Truth in Pension Accounting Act.  
**HB0388** Del Gilchrist, et al. Maryland Condominium Act - Closed Meetings of Board of Directors.  
**HB0389** Dels Hogan and Beidle. Lead Safe Income Tax Credit.  
**HB0390** Dels Griffith and James. State Retirement and Pension System - Board of Trustees.  
**HB0391** Del Krebs, et al. State Employee and Retiree Health and Welfare Benefits Program - Bona Fide Wellness Program and Wellness Promotion.  
**HB0392** Chr ECM (Dept). Motor Vehicle Liability Insurance - Personal Injury Protection Coverage - Prohibition on Premium Increase.  
**HB0393** Del Niemann. Vehicle Laws - Driving While License Refused, Suspended, Canceled, or Revoked - Penalty.

[13-03-43]

**Senate Bills**

**SB0001** Sen Brinkley. Income Tax - Pass-Through Entity - Maximum Rate.  
**SB0002** Sen Colburn. Dorchester County - Turkey Hunting on Public Land - Sundays.  
**SB0003** Sen Robey. Howard County - Sheriff - Salary Increase.  
**SB0004** Sen Pugh. State Personnel - Applicants for Employment - Criminal History Records Checks.  
**SB0005** Sen DeGrange. Maryland Consolidated Capital Bond Loan of 2012 - Anne Arundel County - Meade High School Concession Stand.  
**SB0006** Sen Colburn. Dorchester County - Restriction on Sunday Gaming - Repeal.  
**SB0007** Sen Reilly. State Government - Commemorative Month - Irish American Heritage Month.

**SB0008** Sens Astle and Middleton. Gas Companies - Rate Regulation - Infrastructure Replacement Surcharge.  
**SB0009** Sens Klausmeier and Ferguson. Criminal Law - Table Games and Video Lottery Terminals - Playing by Individual Under 21 Years of Age.  
**SB0010** Sen Zirkin. Baltimore County - Board of Education - Selection of Members.  
**SB0011** Sen Astle. Natural Resources - State Boat Act - Expiration of Temporary Certificate of Boat Number.  
**SB0012** Sen Zirkin. Labor and Employment - Leave - Deployment of Family Members in the Armed Forces.  
**SB0013** Sen Rosapepe. Creation of a State Debt - Prince George's County - Chesapeake Math and IT Academy Gymnasium.  
**SB0014** Sen Middleton, et al. Utility Service Protection Program - Annual Report - Deadline.  
**SB0015** Sen Young. Maryland Transportation Authority - Tolls - U.S. Route 15.  
**SB0016** Sen Reilly. Anne Arundel County - Alcoholic Beverages - Refillable Container License.  
**SB0017** Sen Klausmeier, et al. State Government - Commemorative Day - German-American Heritage Day.  
**SB0018** Sen Young. Public Safety - Building Codes - Balcony Inspections (Jonathan's Law).  
**SB0019** Sen Jennings. Crimes - Aiming Laser Pointer at Aircraft.  
**SB0020** Sen Colburn. Creation of a State Debt - Talbot County - Easton Head Start Center.  
**SB0021** Sen Klausmeier. Natural Resources - Aquaculture Coordinating Council - Reporting Date.  
**SB0022** Sen Brinkley. Sales and Use Tax - Exemption - Home Wheelchair Lifts and Stairlifts.  
**SB0023** Sen Klausmeier, et al. Income Tax - Credit for Long-Term Care Premiums.  
**SB0024** Sen Pipkin. Queen Anne's County - Deer Hunting on Private Property - Sundays.  
**SB0025** Sens Forehand and Klausmeier. Vehicle Laws - Title and Registration - Transfer to Surviving Spouse.  
**SB0026** Sen Colburn. State Designations - State Sandwich - Soft-Shell Crab Sandwich.  
**SB0027** Sen Astle. Chesapeake Conservation Corps Program - Extension.  
**SB0028** Sen Young. Real Property - Blighted Property - Nuisance Abatement.  
**SB0029** Sen Klausmeier, et al. Estates and Trusts - Personal Representative - Administration of Internet-Based Accounts.  
**SB0030** Sens Zirkin and Forehand. Vehicle Laws - Prohibition Against Smoking in Vehicle Containing Young Child.  
**SB0031** Sen Pipkin. Queen Anne's County - Beer, Wine and Liquor Tasting License.  
**SB0032** Sen Colburn. Alcoholic Beverages - Brewery License - On-Premises Consumption.  
**SB0033** Sen Pipkin. Creation of a State Debt - Queen Anne's County - Wye River Upper School.  
**SB0034** Sen Brinkley. Corporate Income Tax - Rate Reduction.  
**SB0035** Sen Pipkin. Queen Anne's County - Alcoholic Beverages - Micro-Brewery Licenses.  
**SB0036** Sen Young. Frederick County - Slot Machines for Nonprofit Organizations.  
**SB0037** Sen Zirkin. Criminal Law - Animal Cruelty - Payment of Costs.  
**SB0038** Sen Young. Income Tax - Tax Credit for Wineries and Vineyards.  
**SB0039** Sen Colburn. Motor Vehicle Registration - Special Vintage Reproduction Registration Plate.  
**SB0040** Sen Young. Motor Vehicle Administration - Organ Donation - Presumed Consent (Patricia Hanberry Gift of Life Act).

- SB0041** Sen Pipkin. Kent County - Deer Hunting on Private Property - Sundays.
- SB0042** Sen Montgomery, et al. State Government - Commemorative Days - Maryland Emancipation Day.
- SB0043** Sen Zirkin. Courts - Evidence - Vehicle Repair Estimates.
- SB0044** Sen Currie. Occupational and Professional Licensing - Military Training and Military Spouses.
- SB0045** Sen Rosapepe. Maryland Consolidated Capital Bond Loan of 2006 - Prince George's County - College Park City Hall.
- SB0046** Sen Colburn. Natural Resources - Shark or Elasmobranch Fins - Restriction on Possession, Distribution, or Consumption.
- SB0047** Sen Young. Procurement - Maryland Buy American Steel and Manufactured Goods Act.
- SB0048** Sen Young. Income Tax - Subtraction Modification - Retirement Income.
- SB0049** Sen Pipkin. Alcoholic Beverages - Queen Anne's County - Beer and Wine Festivals.
- SB0050** Sen Young. Income Tax - Subtraction Modification - Segal AmeriCorps Education Award.
- SB0051** Sen Young. Employment Contracts - Noncompetition Covenant - Conditions Affecting Enforcement.
- SB0052** Sen Colburn. Family Law - Denial of Custody or Visitation - Sexual Abuse of a Minor.
- SB0053** Chr EHE (Dept). Department of Agriculture - Administrative Review of Contested Cases.
- SB0054** Chr EHE (Dept). Maryland Higher Education Commission - Scholarship Funds - Technical Alterations.
- SB0055** Chr EHE (Dept). Private Career Schools - Solicitor Permits - Repeal.
- SB0056** Chr EHE (Dept). Unauthorized Institutions of Postsecondary Education - Transcripts, Diplomas, and Grade Reports - Penalties.
- SB0057** Chr EHE (Dept). State Board of Individual Tax Preparers - Prohibited Acts - Civil Penalty.
- SB0058** Chr EHE (Dept). Adult Education and Literacy Services - High School Diploma by Examination - Eligibility Requirements.
- SB0059** Chr EHE (Dept). Natural Resources - Fish and Fisheries.
- SB0060** Chr EHE (Dept). Community Development Administration - Residential Mortgage Loans - Financial Assistance for Families of Limited Income.
- SB0061** Chr EHE (Dept). Environment - Public Hearings - Notice Requirement.
- SB0062** Chr EHE (Dept). Community Legacy Program - Application Requirements - Approval by Authorized Designee.
- SB0063** Chr EHE (Dept). Maryland Higher Education Commission - Institutional Renewal Fees and Religious Educational Institutions.
- SB0064** Chr EHE (Dept). Controlled Hazardous Substance Vehicles - Display of Certificates.
- SB0065** Chr FIN (Dept). Workers' Compensation - Claim Processing - Electronic Delivery of Decisions.
- SB0066** Chr EHE (Dept). Maryland Home Improvement Commission - Membership, Quorum, and Meetings.
- SB0067** Chr B&T (Dept). Central Collection Unit - Monitoring and Recording of Telephone Calls.
- SB0068** Chr B&T (Dept). Comptroller - Monitoring and Recording of Telephone Calls - Training and Quality Assurance.
- SB0069** Chr B&T (Dept). Tobacco Products - Tobacco Tax - Exemptions and Penalties.
- SB0070** Chr B&T (Dept). Business and Economic Development - Enterprise Fund and Invest Maryland Program.
- SB0071** Chr JPR (Dept). Child Support Enforcement - Information from Financial Institutions - Claims Against Retirement Plans.
- SB0072** Chr JPR (Dept). Motor Vehicles - Damage to Highways from Oversized Vehicles - Liability and Penalties.
- SB0073** Chr JPR (Dept). Vehicle Laws - Piling, Poles, Mill Logs, and Similar Cargo - Length, Overhang, and Fastening Standards.
- SB0074** Chr JPR (Dept). Vessels - Operating While Under the Influence of or Impaired by Alcohol or Drugs.
- SB0075** Chr JPR (Dept). Motor Vehicle Administration - Investigative Division - Issuance of Citations.
- SB0076** Chr B&T (Dept). Motor Vehicle Administration - Fee-Setting Authority - Miscellaneous Fees.
- SB0077** Chr EHE (Dept). State Board of Plumbing - Continuing Professional Competency - Master Plumbers and Master Natural Gas Fitters.
- SB0078** Chr EHE (Dept). Maryland Home Improvement Commission - Guaranty Fund - Claims.
- SB0079** Chr FIN (Dept). Department of Health and Mental Hygiene - Advisory Councils - Renaming and Termination.
- SB0080** Chr FIN (Dept). Public Health - Prescription Drug Monitoring Program - Disclosure of Prescription Monitoring Data.
- SB0081** Chr FIN (Dept). Education and Workforce Training Coordinating Council for Correctional Institutions - Membership.
- SB0082** Chr FIN (Dept). Elevator Safety - Third-Party Inspectors - Certification.
- SB0083** Chr FIN (Dept). Department of Aging - Aging and Disability Resource Center Program - Maryland Access Point.
- SB0084** Chr EHE (Dept). State Board of Examiners of Landscape Architects - License Renewal - Continuing Professional Competency Requirements.
- SB0085** Chr FIN (Dept). Maryland Port Commission - Management Personnel Appointments - Operating and Managing Port Facilities.
- SB0086** Chr JPR (Dept). Voluntary Placement for Former Children in Need of Assistance.
- SB0087** Chr JPR (Dept). Vehicle Laws - Seat Belts and Child Safety Seats.
- SB0088** Sen DeGrange. Creation of a State Debt - Anne Arundel County - Meade High School Concession Stand.
- SB0089** Sen Pipkin. Kent County - Turkey Hunting on Private Property - Sundays.
- SB0090** Sen Astle. Natural Resources - Vessel Excise Tax - Maximum Tax.
- SB0091** Sen Astle. Maryland Consolidated Capital Bond Loan of 2012 - Anne Arundel County - Shiplap House.
- SB0092** Sen Astle. Creation of a State Debt - Anne Arundel County - Sprinkler Assistance Revolving Fund.
- SB0093** Sens Astle and Pipkin. Transportation - Chesapeake Bay Bridge Crossing - Environmental Impact Study for a Third Span.
- SB0094** Sen Kelley, et al. Child Abuse and Neglect - Notice and Reporting Requirements, Disclosure, and Task Force.
- SB0095** Sen Ferguson. Creation of a State Debt - Baltimore City - Chesapeake Shakespeare Company's Downtown Theatre.
- SB0096** Sen Ferguson. Creation of a State Debt - Baltimore City - Baltimore Curriculum Project.
- SB0097** Sen Ferguson. Creation of a State Debt - Baltimore City - Veditz Center of Maryland.
- SB0098** Sen Klausmeier. Business Regulation - Other Tobacco Products - Wholesalers - License Fee Exception for Cigarette Subwholesalers.
- SB0099** Sen Kasemeyer. Creation of a State Debt - Baltimore County - Little Sisters of the Poor - St. Martin's Home.
- SB0100** Sen Kasemeyer. Tax Overpayment - Interest on Refunds.
- SB0101** Sens Peters and Currie. Maryland Consolidated Capital Bond Loan of 2006 - Prince George's County - White Rose Foundation Service Center.
- SB0102** Sen Peters. Creation of a State Debt - Prince George's County - Holy Trinity Episcopal Day School Air-Supported Structure (Athletic & Arts Center).
- SB0103** Sen Peters, et al. Income Tax - Military Retirement Income.

- SB0104** Sens Brochin and Zirkin. Family Law - Grounds for Absolute Divorce - Time Requirements.
- SB0105** Sens Brochin and Raskin. Criminal Law - Sexual Contact with Minors - School Employees.
- SB0106** Sen McFadden. Baltimore City - Charitable Gaming Events - For-Profit and Nonprofit Organizations.
- SB0107** Sen Simonaire. Anne Arundel County - School Board - Membership.
- SB0108** Sen Simonaire. Anne Arundel County Board of Education - Selection of Members - Straw Ballot.
- SB0109** Sen Kelley, et al. Criminal Law - Controlled Dangerous Substances - Research - Synthetic Cannabinoids.
- SB0110** Sen Astle. Creation of a State Debt - Anne Arundel County - William Paca House Restoration.
- SB0111** Sen Brochin, et al. Education - General Assembly Scholarships - Modification of Programs.
- SB0112** Sen Miller. Creation of a State Debt - Prince George's County - Eagle Harbor Artesian Well Restoration.
- SB0113** Sen Miller. Creation of a State Debt - Calvert County - North Beach Pier Improvements.
- SB0114** Sens Benson and Montgomery. Health - Pregnant Women - Hepatitis B Testing.
- SB0115** Sen Benson. County Boards of Education - School Budget, Audit, and Procurement Information - Web Site Publication.
- SB0116** Sen Benson. Commercial Law - Cancellation of Sales of Motor Vehicles and Internet Sales.
- SB0117** Sen Benson. Crimes - Sale of Drug Paraphernalia to a Minor - Local Law Authorizing Business License Revocation for a Second or Subsequent Violation.
- SB0118** Sen Simonaire. State Government - Commemorative Day - Young Heroes Day.
- SB0119** Sen Reilly. Property Tax - Exemption for Blind Individuals and Surviving Spouses.
- SB0120** Sen Kasemeyer. Interest Rate on Tax Deficiencies and Refunds.
- SB0121** Sen Klausmeier. Health Care Decisions Act - Incapacity to Make Informed Decision - Certification by Psychologist.
- SB0122** Sen Peters. Maryland Consolidated Capital Bond Loan of 2011 - Prince George's County - Community Safety and Surveillance Systems.
- SB0123** Sen Peters. Creation of a State Debt - Prince George's County - Bowie Lions Club Renovation.
- SB0124** Sen Peters, et al. Income Tax Credit for Qualifying Employees - Sunset Repeal and Expansion.
- SB0125** The Pres (Admin). Budget Bill (Fiscal Year 2014).
- SB0126** The Pres (Admin). Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2013, and the Maryland Consolidated Capital Bond Loans of 2006, 2007, 2008, 2009, 2010, 2011, and 2012.
- SB0127** The Pres (Admin). Budget Reconciliation and Financing Act of 2013.
- SB0128** Sen Glassman, et al. Harford County - Alcoholic Beverages - Hours of Sale for Class B Licensees.
- SB0129** Sens Glassman and Jacobs. Harford County - Alcoholic Beverages - Class H-CC (Corporate Club/Conference Center) License.
- SB0130** Sen Glassman, et al. Harford County - Charitable Gaming.
- SB0131** Sen Glassman, et al. Harford County Liquor Control Board - Reserve Account.
- SB0132** Sen Glassman, et al. Cecil-Harford Highway Impact Revenue Account.
- SB0133** Sen Kelley. Creation of a State Debt - Baltimore County - Easter Seals Adult Day Services Center Expansion.
- SB0134** Sen Kelley. Creation of a State Debt - Baltimore County - Diversified Housing Development.
- SB0135** Sen Kelley. Creation of a State Debt - Baltimore County - Youth in Transition School.
- SB0136** Sen Frosh. Solar Energy Grant Program - Cooperative Housing Corporations, Condominiums, and Homeowners Associations.
- SB0137** Sen Manno. State Government - Death of Account Holder - Distribution of Account Balance.
- SB0138** Sens Manno and Mathias. Build Maryland Tax Credit Act.
- SB0139** Sen Conway. Health Care Practitioners - Prescription Drug or Device Dispensing - Medical Facilities or Clinics That Specialize in Treatment Reimbursable Through Workers' Compensation Insurance.
- SB0140** Sen Conway. State Finance and Procurement - Retention of Percentage of Contract - Security.
- SB0141** The Pres (Admin). Creation of a State Debt - Qualified Zone Academy Bonds.
- SB0142** Sen Pugh, et al. Public Utilities - Telephone Service - Charges for Directory Assistance.
- SB0143** Sen Pugh, et al. Public Schools - Emergency Management Plans - Evaluations.
- SB0144** Sen Kasemeyer. Property Tax Credit - Historically and Architecturally Valuable Property.
- SB0145** Sen Brochin, et al. Baltimore City and Baltimore County - Unpaid Water and Sanitary Charges - Collection.
- SB0146** Sens Colburn and Pipkin (By Request). Chesapeake College - Board of Trustees - Appointment of Members.
- SB0147** Sens Colburn and Pipkin (By Request). Chesapeake College - Authorization of Debt for Capital Projects - Simple Majority Plus One Requirement.
- SB0148** Sens Colburn and Pipkin. Caroline County - Alcoholic Beverages - Micro-Brewery Licenses.
- SB0149** Sen Colburn. Dorchester County - Alcoholic Beverages - Micro-Breweries.
- SB0150** Sen Colburn. Dorchester County - Alcoholic Beverages - Refillable Containers.
- SB0151** Sen Colburn. Hospitals - Outpatient Services - Off-Site Facility - Rate Regulation.
- SB0152** Sen Colburn. State Government - Commemorative Days - Youth Political Awareness Day.
- SB0153** Sen Currie. Higher Education - Academic Credit for Military Education, Training, and Experience.
- SB0154** Sen Mathias. Somerset County - County Treasurer - Abolishment and Transfer of Functions to the County Supervisor of Tax Collection.
- SB0155** Sen Mathias. Somerset County - Sale of Small Boat Harbor Dock.
- SB0156** Sen Brochin, et al. Courts - Service of Process - Increase in Sheriff's Fees - Distribution to Rental Allowance Program Fund.
- SB0157** Sen Conway, et al. Baltimore City - Fees and Penalties for Unpaid Water and Sewer Usage Charges for Residential Customers.
- SB0158** Sen Conway, et al. Homestead Tax Credit - Eligibility Verification and Application - Extension.
- SB0159** Sen Middleton. Maryland Consolidated Capital Bond Loan of 2007 - Charles County - Mattawoman Creek Art Center.
- SB0160** Sen Frosh, et al. Civil Actions - Personal Injury or Death Caused by Dog - Rebuttable Presumption.
- SB0161** Sen Kelley. Real Property - Common Ownership Communities - Foreclosure of Liens.
- SB0162** Sens Kelley and Miller. Condominiums and Homeowners Associations - Transition of Control - Termination of Contracts.
- SB0163** Sen Pipkin. Commercial Fishing and Seafood Operations - Nuisance Actions - Exemption.
- SB0164** Sen Pipkin. Queen Anne's County - Property Tax Credit - Commercial Investment and Economic Development.

- SB0165** Sen Pugh, et al. Adoption - Access to Birth and Adoption Records and Search, Contact, and Reunion Services.
- SB0166** Sen Conway. Dentists, Physicians, and Podiatrists - Dispensing Prescription Drugs - Inspection by Division of Drug Control.
- SB0167** Sen Kelley. Residential Condominiums - Governing Documents - Claims Provisions.
- SB0168** Sen Simonaire. Estates and Trusts - Guardianship Accounts - Form and Limits.
- SB0169** Sens Middleton and Raskin. Criminal Procedure - Reports to Crimesolvers/Crimestoppers Organization - Inadmissibility and Confidentiality.
- SB0170** Sen Forehand. Estates and Trusts - Modified Administration and Inheritance Tax.
- SB0171** Sen Forehand. Election Law - Special Elections - Voting by Mail.
- SB0172** Chr Anne Arundel County Senators. Circuit Court for Anne Arundel County - Judges Sitting as Orphans' Court.
- SB0173** Chr Anne Arundel County Senators. Anne Arundel County Board of Education - Selection of Members - Straw Ballot.
- SB0174** Chr Anne Arundel County Senators. Education - Public Charter Schools - Capital Improvement Requests.
- SB0175** Sen Kelley, et al. State Government - Commemorative Days - Maryland Centenarians Day.
- SB0176** Sen Kelley. Condominiums and Homeowners Associations - Contracts for Resale - Notice of Potential Special Assessments.
- SB0177** Sen Young, et al. Creation of a State Debt - Frederick County - The Jane Hanson National Memorial.
- SB0178** Chr JPR (Dept). Family Law - Blood or Genetic Test Results - Legal Finding of Paternity.
- SB0179** Chr EHE (Dept). Architects, Landscape Architects, and Professional Land Surveyors - Firm Permits.
- SB0180** Chr EHE (Dept). Department of Agriculture - State Chemist Fund.
- SB0181** Chr JPR (Dept). Family Law - Child Support - Presumptive Support Obligation.
- SB0182** Sens Brochin and Kittleman. Maryland Transit Administration - Activation of Audio Recording Devices on Vehicles Used for Transit Service - Prohibition.
- SB0183** Chr B&T (Dept) and Sen Kasemeyer. Income Tax - Business and Economic Development - Film Production Activity Tax Credit.
- SB0184** Sen Raskin. Creation of a State Debt - Montgomery County - Pyramid Atlantic Art Center Space at the Silver Spring Library.
- SB0185** Sen Pugh, et al. Public Safety - Emergency Management - Essential Goods and Services.
- SB0186** Sen Kasemeyer. Creation of a State Debt - Baltimore County - Good Shepherd Center Cooling Tower.
- SB0187** Sen Kasemeyer. Creation of a State Debt - Baltimore County - Catonsville Historic Hilton Mansion Rehabilitation.
- SB0188** Sen Pugh, et al. Minority Business Enterprises - Goals and Subgoals.
- SB0189** Sen Shank. Residential Real Property Sales - Property Tax Disclaimer.
- SB0190** Sen Shank. State Government - Notary Public - Appointment.
- SB0191** Sen King, et al. Criminal Law - Theft of Wheeled Cart - Penalty.
- SB0192** Sen King, et al. Vehicle Laws - Child Safety Seats and Seat Belts - Penalty.
- SB0193** Sen King, et al. Vehicle Laws - Prohibition on Handheld Telephone Use - Primary Offense if Child Is Passenger.
- SB0194** Sen Kelley, et al. Education - Charter Schools - Study to Recommend Improvements to the Maryland Public Charter School Program.
- SB0195** Sen Kelley, et al. Hospitals - Notice to Patients - Outpatient Status and Billing Implications.
- SB0196** Sen Frosh. Register of Wills - Salary.
- SB0197** Sen Frosh. Maryland Condominium Act - Closed Meetings of Board of Directors.
- SB0198** Sen Frosh. Estates and Trusts - Family Allowance.
- SB0199** Sen Frosh. Real Property - Refinance Mortgage - Priority over Junior Liens.
- SB0200** Sen Gladden. State Government - Departments and Units of Executive Branch - Heads and Officers - Qualifications.
- SB0201** Sen Gladden. Maryland Consolidated Capital Bond Loan of 2009 - Baltimore City - Roland Park Fire Station Rehabilitation.
- SB0202** Sen King, et al. Recordation and Transfer Taxes - Transfer of Property Between Related Entities - Exemption.
- SB0203** Sen King, et al. Income Tax Credit - Qualified Research and Development Expenses - Credit Amounts and Small Business Refund.
- SB0204** Sen Edwards. Bow Hunting - Possession of Handguns for Protection.
- SB0205** Sen Shank. Vehicle Laws - Fleeing or Eluding Police.
- SB0206** Sens Forehand and King. Vehicle Laws - Intercounty Connector - Maximum Speed Limit.
- SB0207** Sen Brochin, et al. Vehicle Laws - Speed Monitoring and Work Zone Speed Control Systems.
- SB0208** Sens Dyson and Colburn. Natural Resources Police Force - Number of Officers.
- SB0209** Sen Forehand. Creation of a State Debt - Montgomery County - Rockville Emergency Management and Maintenance Facility.
- SB0210** Sen Simonaire. Elected Officials - Civil Cases - Liability for Costs, Judgments, and Settlements (Taxpayer Protection Act of 2013).
- SB0211** Sen Shank. Natural Resources - Tree Experts - Prohibition.
- SB0212** Sen Edwards, et al. Vehicle Laws - Registration Plates for Motorcycles - Individuals with Disabilities.
- SB0213** Sen Jacobs, et al. Emergency Medical Services - Automated External Defibrillators - Immunity from Liability.
- SB0214** Sen Jacobs, et al. Criminal Law - Part-Time School Employees and Coaches - Sexual Contact with Minors.
- SB0215** Sen Forehand, et al. Criminal Law - Human Trafficking - Victims Under Age 21.
- SB0216** Sen Glassman, et al. Harford County - Correctional Officers' Bill of Rights.
- SB0217** Sen Klausmeier (Balt Co Admin). Vehicle Laws - Registration Plates for Individuals with Disabilities - Parking in Baltimore County.
- SB0218** Sen Klausmeier (Balt Co Admin). Baltimore County Code of Public Local Laws - 2013 Edition - Legalization.
- SB0219** Sens Glassman and Jennings. Creation of a State Debt - Harford County - Humane Society Animal Shelter.
- SB0220** Sen McFadden. Consumer Protection - Television Service Providers - Missed Appointments.
- SB0221** Sen Raskin, et al. Creation of a State Debt - Montgomery County - University Gardens Senior Apartments.
- SB0222** Sen Raskin. Motor Vehicle Administration - Yellow Dot Program.
- SB0223** Sen Conway. Alcoholic Beverages - Class 7 Limited Beer Wholesaler's License.
- SB0224** Sen Pugh, et al. State Employee and Retiree Health and Welfare Benefits Program - Bona Fide Wellness Program and Wellness Promotion.
- SB0225** Sens Pugh and Gladden. Baltimore City - 40th and 41st Legislative Districts - Alcoholic Beverages - Store Closing Hours.
- SB0226** Sen Pugh, et al. Morgan State University - Board of Regents - Length and Limitation of Terms.

- SB0227** Sens Brochin and Raskin. Tax Sales - Redemption of Property - Taxes, Interest, and Penalties.
- SB0228** Sen Frosh, et al. Criminal Law - Use of Handgun in Crime of Violence or Felony - Statute of Limitations.
- SB0229** Chr JPR (Md Jud Conf). Courts - Juveniles - Expungement of Records.
- SB0230** Sens Getty and Ferguson. Open Meetings Act - Public Body - Definition.
- SB0231** Sen Pugh. Creation of a State Debt - Baltimore City - Baltimore Design School.
- SB0232** Sen Pugh. Creation of a State Debt - Baltimore City - Skatepark of Baltimore at Roosevelt Park.
- SB0233** Sen Ferguson. Alcoholic Beverages - Baltimore City - 46th District - Class B Location Restrictions - Limited Exemption.
- SB0234** Sen Currie, et al. Office of the Attorney General - Establishment of a Consumer Affairs Satellite Office in Prince George's County.
- SB0235** Sen Ferguson, et al. Baltimore City - Alcoholic Beverages - License Revocation.
- SB0236** The Pres (DLS). State Board of Foresters - Sunset Extension and Program Evaluation.
- SB0237** The Pres (DLS). Health Occupations - Sunset Extension and Program Evaluation.
- SB0238** The Pres (DLS). State Board of Public Accountancy - Sunset Extension and Program Evaluation.
- SB0239** The Pres (Md Jud), et al. Judgeships - Court of Special Appeals, Circuit Courts, and District Court.
- SB0240** Sen Kelley, et al. Task Force to Study Redistricting in Maryland.
- SB0241** Sen Jacobs, et al. Administrative Procedure Act - Proposed Regulations - Public Hearings and Voting.
- SB0242** Sen Astle. Public Health - Forensic Laboratories - Regulation.
- SB0243** Sen Astle. Maryland Income Tax Refund - Anne Arundel County Warrant Intercept Program - Extension.
- SB0244** Sen Astle. City of Annapolis - Alcoholic Beverages - Refillable Container License.
- SB0245** Sen Robey. School Buildings - Solar Technology - Design Development Documents.
- SB0246** Sens Astle and Edwards. Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders - Exception.
- SB0247** Sen Klausmeier. Workers' Compensation - Payment for Physician-Dispensed Prescriptions - Limitations.
- SB0248** Sens Brochin and Stone. Criminal Law - Home Invasion Violent Crime and Armed Home Invasion Violent Crime.
- SB0249** Sens Forehand and Raskin. Vehicle Laws - Manufacturers, Distributors, and Factory Branches - Retaliation Against Dealers.
- SB0250** Sens Brinkley and Young. Maryland Consolidated Capital Bond Loan of 2011 - Frederick County - Frederick Alliance For Youth - Youth and Community Center.
- SB0251** Sen Brinkley, et al. Personal Property Tax - Depreciation of Assessed Value.
- SB0252** Sen Brinkley, et al. Maryland Estate Tax - Unified Credit.
- SB0253** Sen Brinkley, et al. Transportation Trust Fund - Dedicated Highway Funds.
- SB0254** Sen Montgomery, et al. State Board of Examiners of Psychologists - License Renewal.
- SB0255** Sen Montgomery, et al. State Government - Commemorative Days - Rare Disease Day.
- SB0256** Sen Montgomery. Maryland Consolidated Capital Bond Loan of 2006 - Montgomery County - Our House Youth Home.
- SB0257** Sen Montgomery. Maryland Consolidated Capital Bond Loan of 2010 - Montgomery County - Sandy Spring Museum.
- SB0258** Sen Shank. Correctional Services - Inmate Earnings - Compensation for Victims of Crime.
- SB0259** Sen Shank. Criminal Procedure - No-Knock Search Warrants - Prior Notification of County.
- SB0260** Sen Young, et al. Alcoholic Beverages - Consumption of Wine Not Bought from License Holder.
- SB0261** Sen Young, et al. State Government - Administrative Procedure Act - Effective Date of Adopted Regulations.
- SB0262** Chr JPR (Md Jud Conf). Task Force to Study Implementing a Civil Right to Counsel in Maryland.
- SB0263** Chr JPR (Chief Judge, Court of Appeals). Civil Actions - Award of Attorney's Fees and Expenses.
- SB0264** Chr JPR (Md Jud Conf). Children in Need of Assistance - Review Hearings.
- SB0265** Chr JPR (Md Jud Conf). Children in Need of Assistance - Rights of Preadoptive Parents, Foster Parents, and Caregivers of Child.
- SB0266** Sen Frosh, et al. Regulated Firearms - Database - Applications for Dealer's License - Record Keeping and Reporting Requirements.
- SB0267** Sen Raskin, et al. Courts and Judicial Proceedings - Interception of Communications - Abuse or Neglect of Vulnerable Adult and Medicaid Fraud.
- SB0268** Sen Raskin, et al. Court of Appeals and Court of Special Appeals - Opinions - Public Information.
- SB0269** Sen Jones-Rodwell (Chr Jt Com on Pnsns). State Retirement and Pension System - Correction of Errors in Benefits.
- SB0270** Sen Jones-Rodwell (BCA). Baltimore City - School Facilities - Funding.
- SB0271** Sen Jones-Rodwell (BCA). Criminal Law - Illegal Dumping and Litter Control Law - Penalties.
- SB0272** Sen Currie, et al. State Lottery Agency - Tickets - Electronic Devices Connected to the Internet.
- SB0273** The Pres (Admin), et al. Veterans Full Employment Act of 2013.
- SB0274** The Pres (Admin), et al. Maryland Health Progress Act of 2013.
- SB0275** The Pres (Admin), et al. Maryland Offshore Wind Energy Act of 2013.
- SB0276** The Pres (Admin), et al. Death Penalty Repeal and Appropriation from Savings to Aid Survivors of Homicide Victims.
- SB0277** The Pres (Admin), et al. State Aid for Public Education - Certification of Net Taxable Income.
- SB0278** The Pres (Admin), et al. Maryland Employment Advancement Right Now (EARN) Program.
- SB0279** The Pres (Admin), et al. Election Law - Improving Access to Voting.
- SB0280** Chr EHE (Dept). Landscape Architects - License Renewal - Continuing Professional Competency Requirement.
- SB0281** The Pres (Admin), et al. Firearm Safety Act of 2013.
- SB0282** Sen Jones-Rodwell (BCA). Video Lottery Facilities - Employee Licenses - Crimes of Moral Turpitude or Gambling.
- SB0283** The Pres (DLS). Annual Curative Bill.
- SB0284** The Pres (DLS). Annual Corrective Bill.
- SB0285** Sen Peters. Health Occupations - Kinesiotherapy - Study.
- SB0286** Sen Edwards. Vehicle Laws - School Vehicles - Definition.
- SB0287** Sen Pugh. Creation of a State Debt - Baltimore City - Institutes for Behavior Resources.
- SB0288** Sen Conway. Creation of a State Debt - Baltimore City - Revitalization of Hobbs Fitness Center.
- SB0289** Sen Simonaire, et al. Environment - Water Pollution Control - Penalty.
- SB0290** Sens Stone and Manno. Procurement - Prevailing Wage - Applicability.
- SB0291** Sen Zirkin. Creation of a State Debt - Baltimore County - Baltimore County Humane Society.

- SB0292** Sen Zirkin. Vehicle Laws - Administrative Per Se Offenses - Suspension Modification and Restrictive Licenses.
- SB0293** Sen Zirkin. Vehicle Laws - Judgment Debtors - License and Registration Suspension - Modification.
- SB0294** Sen Zirkin. Election of Circuit Court Judges - Nonpartisan General Elections.
- SB0295** Sen Zirkin. Circuit Court Judges - Election, Qualifications, and Term of Office.
- SB0296** Sen Zirkin. Homeowner's and Renter's Insurance - Coverage for Dog Owners.
- SB0297** Sen Zirkin. Criminal Law - Possession of Marijuana - De Minimis Quantity.
- SB0298** Sen Edwards. Vehicle Laws - Maximum Speed Limits - Interstate 68.
- SB0299** Sen Edwards. Creation of a State Debt - Washington County - Lockhouse 44, Lock 44, and Western MD Railroad Lift Bridge.
- SB0300** Sens Zirkin and Brochin. Baltimore County - Board of Education - Prohibited Members.
- SB0301** Sen Glassman. Creation of a State Debt - Harford County - Maryland STEM Lab at Broad Creek Memorial Scout Reservation.
- SB0302** Sens Glassman and Simonaire. Environment - Water Pollution Control - Reporting and Penalties.
- SB0303** Sen Glassman. State Payments of Public School Construction Costs - Remittance of Reimbursement to County.
- SB0304** Sens Miller and Dyson. Calvert County - Election Judges - Compensation.
- SB0305** Chr FIN (DLS). Division of Labor and Industry and Associated Boards and Councils - Sunset Extension and Program Evaluation.
- SB0306** Sen Brochin, et al. Business Regulation - Secondhand Precious Metal Object Dealers - Exemptions for Consignment Shop Operators.
- SB0307** Sen McFadden. Baltimore City - Alcoholic Beverages Act of 2013.
- SB0308** Sen McFadden. Creation of a State Debt - Baltimore City - Patricia and Arthur Modell Performing Arts Center at the Lyric.
- SB0309** Sen Getty. Election Law - Local Board Employees - Qualifications.
- SB0310** Sen Edwards. Garrett County - Coal Combustion By-Products - Storage.
- SB0311** Sen Astle. Workers' Compensation - Temporary Total Disability Benefits - Credit.
- SB0312** Sen Astle. Vehicle Laws - Provisional Drivers' Licenses - First Aid and Cardiopulmonary Resuscitation (CPR) Training Requirement.
- SB0313** Sen Astle. Workers' Compensation - Anne Arundel County Deputy Sheriff.
- SB0314** Sens Brinkley and Young. Frederick County - Slot Machines for Nonprofit Organizations.
- SB0315** Sens Brinkley and Young. Frederick County - Gaming Permits.
- SB0316** Sens Brinkley and Young. Frederick County - Ethics - Former Officials and Employees.
- SB0317** Sen Brinkley. Frederick County - Stormwater Management - Watershed Protection and Restoration Program - Exemption.
- SB0318** Sens Brinkley and Young. Frederick County - Property Tax Credit to Offset Income Tax Revenues - Eligibility.
- SB0319** Sens Brinkley and Young. Frederick County - Motor Vehicle Registration - Exception for All-Terrain and Utility-Terrain Vehicles.
- SB0320** Sens Brinkley and Young. Frederick County - Authority to Ban Synthetic Cannabinoids.
- SB0321** Sens Brinkley and Young. Frederick County - Alcoholic Beverages - License Fees.
- SB0322** Sens Brinkley and Young. Creation of a State Debt - Frederick County - Mental Health Association Building.
- SB0323** Sens Brinkley and Young. Creation of a State Debt - Frederick County - Culler Lake Stormwater Management.
- SB0324** Sens Forehand and King. Creation of a State Debt - Montgomery County - Identity House Expansion.
- SB0325** Sen Brinkley. Environment - Frederick County - Soil Erosion and Sediment Control Standards.
- SB0326** Sen Glassman. Transportation - Advertising Signs on State Highways for Agricultural Businesses Authorized.
- SB0327** Sen Gladden. Elections for Judges of the Orphans' Courts - Nonpartisan Elections.
- SB0328** Sen Gladden. Creation of a State Debt - Baltimore City - Park Heights Women and Children's Center.
- SB0329** Sen Gladden. State Personnel - Hiring Preferences for Graduates of Public Institutions of Higher Education.
- SB0330** Sen Gladden. Creation of a State Debt - Baltimore City - Wayland Village II.
- SB0331** Sen Gladden. Baltimore City - Alcoholic Beverages - License Renewal.
- SB0332** Sen Gladden. Estates and Trusts - Special and Supplemental Needs Trusts - Regulations by State Agencies.
- SB0333** Sen Gladden. Criminal Procedure - Vulnerable Adult Abuse Registry.
- SB0334** Sen Jones-Rodwell, et al. Mammograms - Dense Breast Tissue - Notification.
- SB0335** Sen Klausmeier, et al. Health Occupations - Funeral Establishments - Preparation and Holding Rooms.
- SB0336** Sen King, et al. Creation of a State Debt - Montgomery County - RCI Group Home Renovations.
- SB0337** Sen Peters, et al. Real Property - Residential Leases - Interest on Security Deposits.
- SB0338** Sen Conway. State Board of Nursing - Medication Technician Graduates and Certified Medication Technicians - Sunset Extension.
- SB0339** Sen Robey, et al. Motor Vehicles - Use of Wireless Communication Device - Prohibited Acts, Enforcement, and Penalties.
- SB0340** Sen Stone. Creation of a State Debt - Baltimore County - Dundalk Youth Services Arts Center.
- SB0341** Sen Madaleno. Higher Education - Academic Program Action - Repeal of Application Fees.
- SB0342** Sen Madaleno. State Government - Access to Public Records in Electronic Formats - Termination Date.
- SB0343** Sen Shank, et al. Procurement - Lower-Cost Goods and Services.
- SB0344** Sens Middleton and Frosh. Potomac River Fisheries Commission - Inspection Tax and Penalty.
- SB0345** Sen Montgomery, et al. State Board of Examiners of Psychologists - Psychology Associates - Licensure.
- SB0346** Sen Kelley. Innovations in Aging Services Program - Commission on Aging - Responsibilities.
- SB0347** Sens Brochin and Klausmeier. Creation of a State Debt - Baltimore County - Limekilns and Log House Stabilization Project at Cromwell Valley Park.
- SB0348** Sens Colburn and Astle. Criminal Law - Distribution of Faked Controlled Dangerous Substance - Substantially Similar Chemical Structure.
- SB0349** Sens Colburn and Mathias. Wicomico County Liquor Act of 2013.
- SB0350** Sen Colburn. Electrical Inspectors and Plumbing Inspectors - Master License Required.
- SB0351** Sen Mathias. Somerset County - Alcoholic Beverages - Beer and Wine Tasting License.

**SB0352** Sen DeGrange. Creation of a State Debt - Anne Arundel County - National Electronics Museum.

**SB0353** Sen Currie. Tax Credits for Qualifying Employees with Disabilities - Sunset Repeal.

**SB0354** Sen Pugh, et al. Criminal Procedure - State Vulnerable-Adult Abuser Registry.

**SB0355** Sen Pugh, et al. Department of Health and Mental Hygiene - Health Care Facilities - Abuser Registry.

**SB0356** Sen Pugh, et al. Ex-Offender Business Development Program Study.

**SB0357** Sen Conway. State Board of Morticians and Funeral Directors - Funeral Establishments - Inspections.

**SB0358** Sen Conway. State Board of Morticians and Funeral Directors - Authority to Discipline - Funeral Establishment Licenses.

**SB0359** Sen Pugh, et al. Education - School Vehicle Attendant.

**SB0360** Sen Simonaire, et al. Criminal Law - Aggravated Animal Cruelty - Baiting.

**SB0361** Sen Pinsky, et al. Congressional Districting Process.

**SB0362** Sen Young. Sales and Use Tax - Motor Fuel - Local Transportation Tax.

**SB0363** Sens Young and Brinkley. Creation of a State Debt - Frederick County - Color on the Creek Improvements.

**SB0364** Sen Young, et al. Agriculture - Management-Intensive Farming and Grazing.

**SB0365** Sen Raskin, et al. Income Tax Credit - Web Site Modifications - Accessibility for the Blind.

**SB0366** Sen Jones-Rodwell (BCA). Baltimore City - Extinguishment or Redemption of Ground Rents.

**SB0367** Sen Jacobs. Election Law - Petitions - Confidentiality.

**SB0368** Sens Peters and DeGrange. Maryland Stem Cell Research Fund - Annual Report - Government Transparency Requirements.

**SB0369** Sen Edwards. Garrett County - Bonds for Garrett County Memorial Hospital.

**SB0370** Sen Edwards. Garrett County - County Commissioners - Industrial Wind Energy Conversion Systems.

**SB0371** Sen Edwards. Garrett County - Alcoholic Beverages - Sunday Sales.

**SB0372** Sen Robey. Health Occupation Boards - Criminal History Records Checks - General Authority.

**SB0373** Sen Ferguson, et al. Early Voting Access Act of 2013.

**SB0374** Sen Astle, et al. Consumer Protection - Children's Online Privacy Protection.

**SB0375** Sen Middleton. Commercial Law - Maryland Credit Services Businesses Act - Scope.

**SB0376** Sen King, et al. Public Safety - Emergency Management - Essential Goods and Services.

**SB0377** Sen King, et al. Criminal Law - Fourth-Degree Sex Offense - School Employees and Contractors.

**SB0378** Sen Jacobs. Vehicle Laws - Operation of Vehicle on Approach of Tow Truck.

**SB0379** Sen Jacobs. Regulations - Prohibition on Proposal and Adoption - Substantially Same Content as Failed Bill.

**SB0380** Sen Muse, et al. Department of Health and Mental Hygiene - Workgroup on Cancer Clusters and Environmental Causes of Cancer.

**SB0381** Sen Muse. Creation of a State Debt - Prince George's County - Potomac High School Stadium and Track Construction.

**SB0382** Sens Brochin and Raskin. Mental Health - Emergency Evaluations - Surrender of Firearms.

**SB0383** Sen Raskin, et al. Real Property - Stopping Fraud in Mortgage Assistance Relief Services Act of 2013.

**SB0384** Sen Pugh, et al. Economic Development - Sickle Cell Disease Research Program.

**SB0385** Sen Pugh, et al. State Government - Health, Education, and Social Services Provider Data Warehouse.

[13-03-44]

# The Judiciary

## ADMINISTRATIVE OFFICE OF THE COURTS

### SPECIAL PROJECT NOTICE OF FUNDING AVAILABILITY

The Department of Family Administration at the Administrative Office of the Courts is requesting applications for Special Project Grants. Subject to the provision of funds for Fiscal Year 2014 grants will be awarded to state and local courts and governments within the state of Maryland, non-profit organizations, and institutions of higher education within the state of Maryland that work in collaboration with the courts to increase access to justice and enhance the experience of families and children involved with Maryland's legal system.

The Special Projects grant category funds a broad range of programs, including but not limited to, those in the following categories: Domestic Violence, Juvenile Justice, Foster Care and Alternative Dispute Resolution. Priority is given to programs previously funded, but new projects will also be considered. New projects, those not funded in FY13, must first submit a letter of intent before the submission of a full application will be authorized.

For more detailed information, please review the Notice of Funding Announcement and Grant Guidelines found on the Department of Family Administration's website: [www.courts.state.md.us/family/grantadmin.html](http://www.courts.state.md.us/family/grantadmin.html) or call 410-260-1739.

**Post/Release Date: February 1, 2013**

**Application Due Date: March 22, 2013**

[13-03-41]

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that the name **DENISE LEONA BELLAMY**, P.O. Box 1816, Upper Marlboro, Maryland 20773, has been replaced upon the register of attorneys in this Court as of January 15, 2013.

Notice of this action is certified in accordance with Maryland Rule 16-781(1).

[13-03-45]

### SCHEDULE

**Thursday, March 7, 2013**

Bar Admissions

AG 37 In the Matter of Reinstatement of Jose Expedito M. Garcia to the Bar of Maryland  
AG 66 Attorney Grievance Commission of Maryland v. John Edward Coppock, Jr.  
No. 62 Anthony Zei v. Maryland Transit Administration  
No. 61 Jose F. Lopez v. State of Maryland

**Friday, March 8, 2013**

AG 9 Attorney Grievance Commission of Maryland v. Brien Michael Penn  
No. 63 Thomas C. Lindsay, Sr., et al. v. Annapolis Roads Property Owners Association, et al.  
No. 64 Property & Casualty Insurance Guaranty Corp. v. Belinda Beebe-Lee, et al.

**Monday, March 11, 2013**

AG 10 Attorney Grievance Commission of Maryland v. Robert Norman Levin  
No. 67 Bobbi Jo and Billy G. Hunt, Sr. v. Aberdeen Proving Ground Federal Credit Union  
No. 60 State of Maryland v. Tyres Kenard Taylor

**Tuesday, March 12, 2013**

No. 57 William J. Warr, Jr., et al. v. JMGM Group, LLC, d/b/a Dogfish Head Alehouse  
No. 53 Darnell Fields v. State of Maryland  
No. 81 Clayton Colkley v. State of Maryland

On the day of argument, counsel are instructed to register in the Clerk's Office no later than 9:30 a.m. unless otherwise notified.

After March 12, 2013 the Court will recess until April 4, 2013.

BESSIE M. DECKER  
Clerk

[13-03-39]

## COURT OF SPECIAL APPEALS

### SCHEDULE FOR MARCH 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 2013

**Friday, March 1, 2013**

Courtroom No. 1

No. 00596/11 Union Carbide Corporation vs. Christine Pittman et al.  
No. 02561/11 David Dinh vs. Jonathan Wood et al.  
No. 00018/12 Stanley Bracey et ux. vs. General Growth Properties, Inc. et al.  
No. 02350/11 Scott Andochick vs. Ronald Duane Byrd et ux.  
No. 02188/11 Peter Merritt Schoff, Jr. vs. Kathleen Belden Schoff

Courtroom No. 2

No. 02657/11 Oscar M. Ramirez vs. Maryland Board of Physicians  
No. 00359/12 Candace Megan Burns vs. State of Maryland  
No. 01456/12\* In Re: Chaida B.  
No. 00371/12 Perry Lawrence Toskov, Jr. vs. State of Maryland  
No. 02651/11 Joe G. Hollingsworth et ux. vs. Talbot County Maryland Board of Appeals

\*8-207(a)

THE JUDICIARY

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**Monday, March 4, 2013**

Courtroom No. 1

- No. 00125/12 Curtis Johnson, Jr. vs. Erie Insurance Exchange t/a Erie Insurance Company
- No. 02367/11 William Lagna vs. Baltimore County, Maryland
- No. 00126/12 Anthony Oliver vs. G. E. Frisco Co., Inc. et al.
- No. 01798/12\* In Re: Adoption/Guardianship of Yehonadab L.-B. Tanya Green, as mother and next friend of Brianna and Aldamae Way et al. vs. Post Newsweek Media, Inc. et al.

\*8-207(a)

Courtroom No. 2

- No. 00016/12 Debra Walker vs. Bowie State University
- No. 02673/11 Phyllis K. Barson vs. Maryland Board of Physicians
- No. 00041/12 Dominique West vs. Stanley Rochkind et al.
- No. 02018/11 The Wallace & Gale Settlement Trust Trust et al. vs. Sonia Carter et al.
- No. 02942/11 In Re: Darryl P.

**Tuesday, March 5, 2013**

Courtroom No. 1

- No. 02725/11 Shontaye Miller-Collins vs. US Home Construction, Inc.
- No. 01827/11 Lester Beckett vs. Keith D. Higgins et al.
- No. 00299/11 Crystal A. Combs vs. John S. Burson et al., Substitute Trustees
- No. 00485/12 Brenden Dashiell vs. State of Maryland

Courtroom No. 2

- No. 01253/12\* In Re: Adoption/Guardianship of Matija T.
- No. 00360/12 Frankie Richards vs. State of Maryland
- No. 01930/11 Diamond Ventures, LLC vs. Tydings & Rosenberg, LLP
- No. 00004/12 John Franklin vs. Betty F. Fowler
- No. 02762/11 Pauline Roberts vs. Douglas Development Corporation et al.

\*8-207(a)

**Wednesday, March 6, 2013**

Courtroom No. 1

- No. 02479/11 Russell Mirabile et al. vs. Baltimore County Department of Public Works
- No. 00026/12 Victoria Falls Committee for Trust in Taxation, LLC et al. vs. Prince George's County, Maryland
- No. 02871/11 Raymond V. Hamilton, Jr. vs. Sandra B. Dackman et al.
- No. 00071/12 Madison Park North Apartments, L.P. vs. The Commissioner of Housing & Community Development

Courtroom No. 2

- No. 02556/11 Tal-Dor Partners, LLC vs. Clear Channel Outdoor, Inc. et al.
- No. 01484/12\* In Re: Dominic P.
- No. 00064/12 Westmore Development, LLC vs. City of Rockville et al.
- No. 02653/11 Homebuilders Realty Services, LLC vs. Maryland Landmark 2001, LLC et al.
- No. 02678/11 Ebenezer Obonna vs. Ruthlynn Obonna

\*8-207(a)

**Thursday, March 7, 2013**

Courtroom No. 1

- No. 00047/12 Mark Fine vs. Waste industries USA et al.
- No. 02455/11 John Menefee vs. State of Maryland
- No. 00081/12 Mark S. Franklin vs. Board of Appeals, Department of Labor, Licensing and Regulation et al.
- No. 02680/11 Alexander H. Neustadter etc. et al. vs. Ronald H. Jarashow et al.
- No. 00033/12 Randall Reiner et ux. vs. Clifford Ehrlich et al.

Courtroom No. 2

- No. 01655/12\* In Re: Adoption/Guardianship of Koa A. and Megan B.
- No. 00220/12 James W. Ancel, Sr. vs. John Cochran
- No. 02517/11 Sean Williams vs. Woodmoor Service Center Inc. d/b/a Woodmoor Shell
- No. 02684/11\*\* James A. Gerben, Jr. et al. vs. Wanda Clemons et al.
- No. 02685/11\*\* James A. Gerben, Jr. et al. vs. Elizabeth O'Shea
- No. 02687/11\*\* James A. Gerben, Jr. et al. vs. Alice Hall
- No. 02688/11\*\* James A. Gerben, Jr. et al. vs. Terry Brumwell
- No. 02900/11 In re: Estate of Edward Preston vs.
- No. 01433/11 Gary Hiltz vs. Melissa Hiltz

\*8-207(a)

\*\*Consolidated Cases

**Friday, March 8, 2013**

Courtroom No. 1

- No. 00646/10 Charles Donald Hall vs. Maple Hill Limited Partnership et al.
- No. 02656/11 Prince George's County, Maryland vs. Paul Mazzie et al.
- No. 00073/12 Gary D. Adams et ux. vs. Charles F. Bahn et ux.
- No. 00040/12 Sudheer Kumar S. Kochuchirayil vs. Nisha Sasidharan
- No. 02637/11\*\* Douglas C. Myers vs. Ronald B. Katz, Substitute Trustee
- No. 01058/11\*\* Douglas C. Myers vs. Ronald B. Katz, Trustee

\*\*Consolidated Cases

Courtroom No. 2

- No. 01285/12\* In Re: Alonah M.
- No. 00195/12 Thomas Tyree Tyler vs. State of Maryland
- No. 02407/11 In the matter of Kaleb Glenn Dauberger for Name Change
- No. 00075/12 Rhonda Underwood etc. et al. vs. Holy Cross Hospital of Silver Spring, Inc. et al.
- No. 02474/11 Charolette Courtney vs. Douglas Wayne Courtney

\*8-207(a)

**Monday, March 11, 2013**

Courtroom No. 1

- No. 02172/11 Troy Sherman Nash vs. State of Maryland
- No. 00038/12 Jacquelyn A. Bond Shropshire vs. Denise M. Clark
- No. 00318/12 Marvin Wayne Pulley vs. State of Maryland
- No. 01510/12\* In Re: Adoption/Guardianship of Anthony R. Monte Pierre Fortune vs. State of Maryland

\*8-207(a)

Courtroom No. 2

- No. 00141/12 Jeffrey C. Smith et ux. vs. Nancy Hassett

- No. 00050/12 Antonia K. Fowler, Personal Representative of the Estate of Jesse Hollen Elkins Fowler vs. J.W.Y. Martin, Jr. et al.
- No. 01715/11 Jerrod M. Peterson vs. State of Maryland
- No. 00223/12 Renewal by Anderson vs. Richard A. Elms
- No. 00320/12 Glenn Gerald Scott vs. State of Maryland
- No. 00332/12 Malkiyah Sarah Goldberg f/k/a Nekeria Q. Jenkins-Graham vs. Edward R. Graham
- No. 01273/11 William Wallshleger vs. Gregg L. Hershberger, Warden
- No. 00149/12 Antonio Newby a/k/a Michael Bailey vs. State of Maryland

**Tuesday, March 12, 2013**Courtroom No. 1

- No. 01416/12\* In Re: Adoption/Guardianship of Lemar J., Tyshawn T. and Craig J.
- No. 00502/12\* James Patrick Guidash, II vs. Lisa Tome f/k/a Lisa Guidash et al.
- No. 01308/11 Loura Waid et al. vs. Talbot County, Maryland Board of Appeals
- No. 00021/12 Beverly Flynn vs. Prince George's County Personnel Board
- No. 00240/12 Sebastian Murry, individually and t/a Spectrum Internet Construction et al. vs. Raymond Bell et al.

\*8-207(a)

**Wednesday, March 13, 2013**

All cases submitted on brief

Courtroom No. 1

- No. 00380/12 Malcolm Anthony Pulliam vs. State of Maryland
- No. 00497/12 Kevin Lenard Wages vs. State of Maryland
- No. 00459/12 Warren J. Mitchell vs. State of Maryland
- No. 01445/11 Michael Moment vs. State of Maryland
- No. 02431/10 Richard Donald Deblois vs. State of Maryland
- No. 00323/12 Vincent Cauley vs. State of Maryland
- No. 02554/11 Qihui Huang vs. Richard T. Colaresi
- No. 00904/11 Thomas Jackson vs. State of Maryland

Courtroom No. 2

- No. 02435/11 Karle Cully vs. State of Maryland
- No. 01013/12\* Susan Carrillo vs. Oscar Carrillo
- No. 01984/11 Donnell Fields vs. State of Maryland
- No. 02223/11 Michelle Lynn Hundley vs. State of Maryland
- No. 00264/12 Justin Allen Melvin vs. State of Maryland
- No. 00031/12 Qihui Huang vs. Centex Homes et al.
- No. 02754/11 In Re: The Estate of Joan Sutton
- No. 00596/12 Isaiah Mitchell vs. State of Maryland
- No. 00505/12 Jeffrey Anthony Canty vs. State of Maryland

\*8-207(a)

**Thursday, March 14, 2013**

All cases submitted on brief

Courtroom No. 1

- No. 02806/11 Melvin Taylor-Bey vs. State of Maryland
- No. 01252/12\* In Re: Kyias J. and Siannah C.
- No. 00388/12 Carlos Teixeira vs. State of Maryland
- No. 00898/11 Stacey Lee Jones vs. State of Maryland
- No. 00347/12 Fonzie W. Agnew, Jr. vs. State of Maryland
- No. 02045/11 Rydell Lee Estep vs. State of Maryland
- No. 02055/11 Rony Rigioberto Gomez vs. State of Maryland

\*8-207(a)

Courtroom No. 2

- No. 00106/11 Jerrell M. Jones vs. Custodian of Records, Circuit Court for Baltimore County

- No. 00626/11\*\* Michael Allen Hall vs. State of Maryland
- No. 02352/11\*\* Michael Allen Hall vs. State of Maryland
- No. 01871/11 Antonio Warren Gantt vs. State of Maryland
- No. 02737/11 Mitchell Gaston Reid vs. State of Maryland
- No. 02774/11 Khalil Jackson vs. State of Maryland

**Friday, March 15, 2013**

All cases submitted on brief

Courtroom No. 1

- No. 00039/12 Eric C. Greenberg vs. Maryland Board of Physicians et al.
- No. 02681/11 Kenneth L. Blackwell, Sr. vs. Joanne Bisquera et al.
- No. 00627/12 Rosco Willard Harrison, Jr. vs. State of Maryland
- No. 00084/12 Leroy Herman, Jr. vs. Maria J. Herman
- No. 02780/11 Michael Tate vs. State of Maryland
- No. 00702/12 In Re: Lakeevis H.

Courtroom No. 2

- No. 02549/11 James Alexander Szwed vs. State of Maryland
- No. 02713/11 Anthony Lamont Bibbin vs. State of Maryland
- No. 02101/11 Demetrius Brown vs. State of Maryland
- No. 01797/12 In Re: Ryneisha S., Deandre S. and Laneisha S.
- No. 00381/12 Chris Johnson vs. State of Maryland
- No. 00988/12 Shawn Sherrod vs. State of Maryland
- No. 01265/11 David Kissi vs. Owner(s) 128 S. Arlington & 1108,1112, 1114,1116,1118,1120 West Pratt Street et al.
- No. 00108/12 Lovester Johnson, Jr. vs. State of Maryland
- No. 02655/11 Christine M. Lucas vs. Citi Mortgage, Inc.
- No. 02482/11 Michael Ryan Gross vs. State of Maryland
- No. 02733/11 Shawn Ray Jones vs. State of Maryland

On the day of argument, counsel are instructed to register in the Office of the Clerk no later than 9 a.m. The Court is located at 361 Rowe Boulevard, in the Robert C. Murphy Courts of Appeals Building. After March, 2013, the Court will recess until April, 2013.

LESLIE D. GRADET  
Clerk

**ADMINISTRATIVE ORDER**

Pursuant to Maryland Rule 8-522(a), I hereby direct that oral argument in the month of March be limited to 20 minutes per side, subject to the discretion of the hearing panel to allow additional argument, not exceeding a total of 30 minutes per side.

This directive applies only to cases scheduled in March, 2013.

Chief Judge's signature appears  
on original Administrative Order

Dated: January 16, 2013

[13-03-37]

# Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

## TITLE 14 INDEPENDENT AGENCIES

### Subtitle 03 MARYLAND COMMISSION ON CIVIL RIGHTS

#### Opportunity for Public Comment

In accordance with the Regulatory Review and Evaluation Act (§§10-130 through 10-139 of the State Government Article), the Maryland Commission on Civil Rights (MCCR) is currently reviewing and evaluating the following subtitles of COMAR Title 14:

- Subtitle 02 Anti-Discrimination Relating to Persons with Disabilities
- Subtitle 03 Penalties

The purpose of the review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal any obsolete or duplicative provisions. Pursuant to its work plan the MCCR will evaluate the need to retain, amend, or repeal the regulations based on whether the regulations are:

- Still necessary to the public interest;
- Drafted in a clear and understandable manner;
- Still supported by statutory authority and judicial opinions and consistent with federal regulations and other State regulations;
- Still effective in accomplishing the intended purpose of the regulations;
- Obsolete, duplicative, or otherwise appropriate for amendment or repeal.

The MCCR would like to provide interested parties with the opportunity to participate in the review and evaluation process by submitting comments on the regulations. The comments may address any concerns about the regulations. If the comments include suggested changes to the regulations, please be specific as possible and provide language for the suggested changes.

#### Comments must be received by:

- For subtitle 02, March 3, 2013
- For subtitle 03, March 3, 2013

Comments should be directed to **Glendora C. Hughes, General Counsel, and transmitted by mail to 6 St. Paul Street, 9<sup>th</sup> Floor, Baltimore, Maryland 21202, by fax to 410-333-1841, or by email to [glendora.hughes@maryland.gov](mailto:glendora.hughes@maryland.gov).**

[12-25-26]

# Emergency Action on Regulations

## Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

## Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

## Title 08

### DEPARTMENT OF NATURAL RESOURCES

#### Subtitle 02 FISHERIES SERVICE

#### 08.02.23 Shellfish Aquaculture and Leasing

Authority: Natural Resources Article, §§4-11A-02, 4-11A-09, 4-11A-12 and 4-11A-19, Annotated Code of Maryland

#### Notice of Extension of Emergency Status

[12-278-E-1]

The Joint Committee on Administrative, Executive, and Legislative Review has granted an extension of emergency status to amendments to Regulations .02 — .04 under COMAR 08.02.23 Shellfish Aquaculture and Leasing.

**Emergency status has been extended to: July 9, 2013.**

**Emergency action was published in: 39:20 Md. R. 1303—1304 (October 5, 2012).**

JOHN R. GRIFFIN  
Secretary of Natural Resources

## Title 09

### DEPARTMENT OF LABOR, LICENSING, AND REGULATION

#### Subtitle 14 STATE ATHLETIC COMMISSION

#### 09.14.04 Safety and Health Standards for Contestants

Authority: Business Regulation Article, §§4-205, 4-304, 4-304-1, 4-310, 4-314, and 4-315, Annotated Code of Maryland

#### Notice of Emergency Action

[13-054-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .12 under COMAR 09.14.04 Safety and Health Standards for Contestants.

**Emergency status began: January 10, 2013.**

**Emergency status expires: July 9, 2013.**

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 237—238 of this issue, referenced as [13-054-P].

PATRICK PANNELLA  
Executive Director  
State Athletic Commission

**Subtitle 14 STATE ATHLETIC  
COMMISSION**

**09.14.05 Boxing and Kickboxing Facilities and  
Equipment**

Authority: Business Regulation Article, §4-205(c)(2), Annotated Code of  
Maryland

**Notice of Emergency Action**

[13-051-E]

The Joint Committee on Administrative, Executive, and  
Legislative Review has granted emergency status to amendments to  
Regulation .01 under **COMAR 09.14.05 Boxing and Kickboxing  
Facilities and Equipment**.

**Emergency status began: January 10, 2013.**

**Emergency status expires: July 9, 2013.**

Editor's Note: The text of this document will not be printed here  
because it appears as a Notice of Proposed Action on pages 238—  
239 of this issue, referenced as [13-051-P].

PATRICK PANNELLA  
Executive Director  
State Athletic Commission

**Subtitle 14 STATE ATHLETIC  
COMMISSION**

**09.14.05 Boxing and Kickboxing Facilities and  
Equipment**

Authority: Business Regulation Article, §4-205, Annotated Code of Maryland

**Notice of Emergency Action**

[13-055-E]

The Joint Committee on Administrative, Executive, and  
Legislative Review has granted emergency status to amendments to  
Regulation .03 under **COMAR 09.14.05 Boxing and Kickboxing  
Facilities and Equipment**.

**Emergency status began: January 10, 2013.**

**Emergency status expires: July 9, 2013.**

Editor's Note: The text of this document will not be printed here  
because it appears as a Notice of Proposed Action on pages 239—  
240 of this issue, referenced as [13-055-P].

PATRICK PANNELLA  
Executive Director  
State Athletic Commission

# Final Action on Regulations

## Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

## Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

### Subtitle 11 REAL ESTATE COMMISSION

#### 09.11.01 General Regulations

Authority: Business Occupations and Professions Article, §§17-208, 17-303, and 17-306, Annotated Code of Maryland

#### Notice of Final Action

[12-308-F]

On January 16, 2013, the Real Estate Commission adopted amendments to Regulation .11 under **COMAR 09.11.01 General Regulations**. This action, which was proposed for adoption in 39:23 Md. R. 1536 — 1537 (November 16, 2012), has been adopted as proposed.

**Effective Date: February 18, 2013.**

J. NICHOLAS D'AMBROSIA  
Chairman  
Real Estate Commission

## Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 01 PROCEDURES

#### 10.01.20 Nursing Facility Quality Assessment

Authority: Health-General Article, §19-310.1, Annotated Code of Maryland

#### Notice of Final Action

[12-322-F]

On January 25, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .03 under **COMAR 10.01.20 Nursing Facility Quality Assessment**. This action, which was proposed for adoption in 39:24 Md. R. 1580 (November 30, 2012), has been adopted as proposed.

**Effective Date: February 18, 2013.**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 05 FREESTANDING AMBULATORY CARE FACILITIES

### 10.05.04 Freestanding Kidney Dialysis Centers

Authority: Health-General Article, §19-3B-03, Annotated Code of Maryland

#### Notice of Final Action

[12-320-F]

On January 22, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .01, .06, .08, and .09 and new Regulations .13 and .14 under **COMAR 10.05.04 Freestanding Kidney Dialysis Centers**. This action, which was proposed for adoption in 39:23 Md. R. 1545—1546 (November 16, 2012), has been adopted with the nonsubstantive changes shown below.

**Effective Date: February 18, 2013.**

#### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .09A: Terminology corrected.

Regulation .14H: This change clarifies that the kidney dialysis center is only expected to include in its emergency plan all possible measures to avoid disruption of kidney dialysis services rather than being expected to act as a guarantor that no disruption of services will occur despite preparing the strongest possible emergency plan.

#### .09 Patient Care Plan.

A. Patient Care Plan. A health care team, consisting of at least the physician, *nurse practitioner, or* [[*physician's*]] physician assistant responsible for the patient's end-stage renal disease care, a nurse responsible for nursing services, a social worker, and a dietitian, shall develop an individualized care plan for each patient.

B.—C. (proposed text unchanged)

#### .14 Emergency Management.

A.—G. (proposed text unchanged)

H. *If the center has no plan to use the services of a generator, the center shall provide a copy of the center's emergency plan to the Office of Health Care Quality* [[*to ensure there is no*]] that will demonstrate that all measures possible are in place to avoid disruption of dialysis services to patients.

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.10 Nursing Facility Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

#### Notice of Final Action

[12-324-F]

On January 25, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.07-1** under **COMAR 10.09.10 Nursing Facility Services**. This action, which was proposed for adoption in 39:24 Md. R. 1581 (November 30, 2012), has been adopted as proposed.

**Effective Date: February 18, 2013.**

## Subtitle 24 MARYLAND HEALTH CARE COMMISSION

### 10.24.14 State Health Plan for Facilities and Services: Alcoholism and Drug Abuse Intermediate Care Facility Treatment Services

Authority: Health-General Article, §§19-109(a)(1) and 19-121, Annotated Code of Maryland

#### Notice of Final Action

[12-302-F-I]

On January 17, 2013, the Maryland Health Care Commission adopted amendments to Regulation **.01** under **COMAR 10.24.14 State Health Plan for Facilities and Services: Alcoholism and Drug Abuse Treatment Services**. This action was considered by the Maryland Health Care Commission at an open meeting held on January 17, 2013, notice of which was given through publication in the Maryland Register pursuant to State Government Article, §10-506, Annotated Code of Maryland. This action, which was proposed for adoption in 39:22 Md. R. 1434—1435 (November 2, 2012), has been adopted as proposed.

**Effective Date: February 18, 2013.**

CRAIG P. TANIO, M.D.  
Chairman  
Maryland Health Care Commission

## Subtitle 25 MARYLAND HEALTH CARE COMMISSION

### 10.25.17 Benchmarks for Preauthorization of Health Care Services

Authority: General Article, §§19-101 and 19-108.2, Annotated Code of Maryland

#### Notice of Final Action

[12-303-F]

On January 17, 2013, the Maryland Health Care Commission adopted new Regulations **.01—.06** under **COMAR 10.25.17 Benchmarks for Preauthorization of Health Care Services**. This action was considered by the Commission at an open meeting held on January 17, 2013, notice of which was given through publication in the Maryland Register, pursuant to State Government Article, §10-506, Annotated Code of Maryland. This action, which was proposed for adoption in 39:22 Md. R. 1435—1436 (November 2, 2012), has been adopted as proposed.

**Effective Date: February 18, 2013.**

CRAIG P. TANIO, M.D.  
Chairman  
Maryland Health Care Commission

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

#### 13A.03.02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§2-205, 7-203, and 7-205, Annotated Code of Maryland

#### Notice of Final Action

[12-304-F]

On January 22, 2013, the Maryland State Board of Education adopted amendments to Regulation **.09** under **COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland**. This action, which was proposed for adoption in 39:22 Md. R. 1455—1456 (November 2, 2012), has been adopted as proposed.

**Effective Date: February 18, 2013.**

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

**Subtitle 08 STUDENTS****13A.08.07 Transfer of Educational Records for Children in State-Supervised Care**

Authority: Education Article, §§2-205, 4-122, and 8-501—8-506, Annotated Code of Maryland

**Notice of Final Action**

[12-294-F]

On January 22, 2013, the Maryland State Board of Education adopted amendments to Regulation **.03-1** under **COMAR 13A.08.07 Transfer of Educational Records for Children in State-Supervised Care**. This action, which was proposed for adoption in 39:23 Md. R. 1551—1552 (November 16, 2012), has been adopted as proposed.

**Effective Date: February 18, 2013.**

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

**Title 13B****MARYLAND HIGHER  
EDUCATION COMMISSION*****Subtitle 05 FULLY ONLINE PROGRAMS******13B.05.01 Registration***

Authority: Education Article, §§11-105(u), 11-202, 11-202.2, and 24-707, Annotated Code of Maryland

**Notice of Final Action**

[12-321-F]

On January 23, 2013, the Maryland Higher Education Commission adopted new Regulations **.01 — .11** under a new chapter, **COMAR 13B.05.01 Registration**, under a new subtitle, **Subtitle 05 Fully Online Programs**. This action, which was proposed for adoption in 39:23 Md. R. 1552 — 1554 (November 16, 2012), has been adopted as proposed.

**Effective Date: February 18, 2013.**

DANETTE GERALD HOWARD, Ph.D.  
Secretary of Higher Education

**Title 17****DEPARTMENT OF BUDGET  
AND MANAGEMENT****Subtitle 04 PERSONNEL SERVICES  
AND BENEFITS****17.04.13 State Employees' Health Benefits**

Authority: State Personnel and Pensions Article, §§2-503 and 4-106, Annotated Code of Maryland

**Notice of Final Action**

[12-323-F]

On January 22, 2013, the Secretary of Budget and Management adopted amendments to Regulations **.03** and **.05** under **COMAR 17.04.13 State Employees' Health Benefits**. This action, which was proposed for adoption in 39:24 Md. R. 1583—1584 (November 30, 2012), has been adopted as proposed.

**Effective Date: February 18, 2013.**

T. ELOISE FOSTER  
Secretary of Budget and Management

# Withdrawal of Regulations

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 08 STUDENTS

#### 13A.08.01 General Regulations

Authority: Education Article, §§2-205, 7-101, 7-301, 7-303—7-305, 7-308 and 8-404, Annotated Code of Maryland; Federal Statutory Reference: 20 U.S.C. §1232g

#### Notice of Withdrawal

[12-300-W]

The Maryland State Board of Education withdraws the proposal to amend to Regulations .11, .12, and .15 and new Regulation .21 under **COMAR 13A.08.01 General Regulations**, as published in 39:22 Md. R. 1456—1458 (November 2, 2012). On January 22, 2013, the Maryland State Board of Education reviewed the comments received on these proposed amended regulations. On that date, the Board voted to make changes to the proposed regulations and to submit certain changes suggested in the public comments to a Workgroup for consideration and discussion, ultimately resulting in further amendment recommendations to the State Board. Based on those actions, the State Board voted to withdraw the proposed regulations subject to republication with amendments at a future date.

LILLIAN M. LOWRY, Ph.D.  
State Superintendent of Schools

# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

## Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

## Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 03 COMPTROLLER OF THE TREASURY

### Subtitle 01 OFFICE OF THE COMPTROLLER

#### 03.01.01 General Regulations

Authority: Tax-General Article, §§2-102 and 2-103, Annotated Code of Maryland

#### Notice of Proposed Action

[13-063-P]

The Comptroller of the Treasury proposes to amend Regulation .04 under **COMAR 03.01.01 General Regulations**.

#### Statement of Purpose

The purpose of this action is to expand the meaning of a written appeal to include online appeals; to update information on hearings regarding alcohol and tobacco licenses; to confirm that a hearing officer may require a person to document the reason for an emergency request for a postponement; to address appeals of refunds offset to other states; and to address hearings conducted by electronic means.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

The appeals process may be more accessible to individuals with disabilities by accepting online appeals and by conducting some hearings by electronic means if those individuals might otherwise have difficulty appearing in person.

#### Opportunity for Public Comment

Comments may be sent to Debora Gorman, Regulations Coordinator, Comptroller of the Treasury, 301 W. Preston Street, Room #203, Baltimore, MD 21201-2383, or call 410-767-1557, or email to [dgorman@comp.state.md.us](mailto:dgorman@comp.state.md.us), or fax to 410-767-1310. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

#### .04 Hearings and Appeals.

A. Definitions. In this regulation, the following terms have the meanings indicated[;]:

(1)—(2) (text unchanged)

(3) “*Written application*” means a written request for a hearing that is submitted to the Hearings and Appeals Section of the Comptroller’s office via U.S. Mail, facsimile, email, or online appeal, or is delivered in person.

B. Hearings — Assessments and Refunds.

(1) (text unchanged)

(2) Refunds.

(a)—(c) (text unchanged)

(d) *In the event the Comptroller withholds a portion of an approved refund pursuant to Tax-General Article, §§13-921 and 13-922, Annotated Code of Maryland, a person who disagrees with the interception of a tax refund for a liability certified by the taxing official of another state may:*

(i) *Submit a written application for a hearing to appeal the certification to the Hearings and Appeals Section of the Comptroller’s Office within 30 days of the date of the notice of intercept; or*

(ii) Request a hearing with the taxing official of the certifying state, in accordance with the laws of the state that certified the liability.

(3) (text unchanged)

B-1. (text unchanged)

C. Hearings — Licenses.

(1) (text unchanged)

(2) In the case of [a license issued by the Alcohol and Tobacco Tax Bureau, a hearing shall be held by that Bureau] *an alcoholic beverage license or a tobacco license issued by the Comptroller's Office, a hearing shall be held by the division responsible for issuing the license.*

(3)—(4) (text unchanged)

D. Scheduling and Attendance.

(1)—(2) (text unchanged)

(3) Postponements.

(a)—(c) (text unchanged)

(d) Emergency Request for Postponement.

(i)—(ii) (text unchanged)

(iii) *The hearing officer may require documentation of the reasons for the emergency postponement request from the person.*

(4) Failure to Attend Hearing.

(a)—(b) (text unchanged)

(c) *If a person fails to attend a scheduled hearing to challenge the certification of a liability owed to another state which resulted in the withholding of a portion of refund, the certification is deemed correct and the intercept is final and nonappealable.*

E. (text unchanged)

F. Hearings.

(1)—(3) (text unchanged)

(4) Burden of Proof.

(a)—(b) (text unchanged)

(c) *In a hearing on the certification of a liability owed to another state which resulted in the withholding of a portion of refund, the certification of the taxing official of the other state is presumed to be correct, and a person has the burden of proving that an error has been made.*

(5) *Hearings Conducted by Electronic Means.*

(a) *A hearing officer may conduct all or part of a hearing by telephone, video conferencing, or other electronic means, by the consent of all parties.*

(b) *All substantive and procedural rights applicable to hearings described in this regulation apply to telephone, video, or other electronic hearings, subject only to the limitations of the physical arrangement.*

(c) *Documentary Evidence. For a telephone, video, or other electronic hearing, a party shall provide documentary evidence to be offered to all parties so that it is received by each party and the hearing officer at least 5 days before the scheduled hearing.*

(d) *Default. For a telephone hearing, the following may be considered a failure to appear resulting in the assessment or denial of the application for refund becoming final and nonappealable:*

(i) *Failure to answer the telephone for 15 minutes;*

(ii) *Failure to free the telephone for a hearing; or*

(iii) *Any other failure without good cause to be ready to proceed with the hearing as scheduled.*

G. Final Determinations.

(1) (text unchanged)

(2) The notice of final determination shall summarize:

(a) Any adjustments to the assessment or refund denial and the reasons for the Comptroller's action; [or]

(b) In the case of an action on a license or application for a license, the reasons for the Comptroller's action; or

(c) *In the case of the withholding of a portion of a refund for a liability certified by the taxing official of another state, any*

*adjustment to the amount of the intercepted refund and the reasons for the Comptroller's action.*

H. (text unchanged)

PETER FRANCHOT  
Comptroller of the Treasury

## Subtitle 06 SALES AND USE TAX

### 03.06.01 Sales and Use Tax

Authority: Tax-General Article, §§2-102 and 2-103, Annotated Code of Maryland

#### Notice of Proposed Action

[13-064-P]

The Comptroller of the Treasury proposes to amend Regulation .08 under COMAR 03.06.01 Sales and Use Tax.

#### Statement of Purpose

The purpose of this action is to provide an example of a component of taxable price that includes a deal-of-the-day online eCoupon and to remove the requirement that, in order for a consumer excise tax imposed by a government on the act of purchase to be excluded from taxable price, the buyer must remain liable for the payment of the tax in the absence of collection by the vendor.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Debora Gorman, Regulations Coordinator, Comptroller of the Treasury, 301 W. Preston Street, Room #203, Baltimore, MD 21201-2383, or call 410-767-1557, or email to dgorman@comp.state.md.us, or fax to 410-767-1310. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

#### .08 "Taxable Price" Defined.

A. (text unchanged)

B. Components of Taxable Price — Examples.

(1) (text unchanged)

(2) The following illustrate some forms of consideration which might be tendered by or on behalf of the buyer, the values of which are a part of the "taxable price" and which therefore may not be deducted before computation of the tax:

(a)—(c) (text unchanged)

(d) Except for a federal food coupon, the face value of any coupon, voucher, or similar item issued by any person, including a manufacturer, government agency or the vendor, for which the vendor can be reimbursed or compensated in any form by a third party. *This includes compensation in the form of advertising or promotion such as with an online deal-of-the-day eCoupon or similar discount.* The presentation of a coupon for which there exists no arrangement for reimbursement to the vendor by any third party, *such as a store coupon that in effect establishes a lower price,* is not part of the taxable price.

C. (text unchanged)

D. Each of the following items, if made in connection with the sale and clearly identified with the consideration stated separately from any other item by documentary evidence in existence and made known to the buyer at the time of sale, is not a part of the “taxable price” and is therefore deductible from the total consideration before computation of the tax:

(1)—(4) (text unchanged)

(5) Any consumer excise taxes imposed by a governmental unit directly upon the buyer or act of purchase[, for which, in the absence of its collection by the vendor, the buyer remains liable directly to the governmental unit].

(6)—(10) (text unchanged)

PETER FRANCHOT  
Comptroller of the Treasury

## Subtitle 06 SALES AND USE TAX

### 03.06.01 Sales and Use Tax

Authority: Tax-General Article, §§2-102 and 2-103, Annotated Code of Maryland

#### Notice of Proposed Action

[13-068-P]

The Comptroller of the Treasury proposes to amend Regulation .09 under **COMAR 03.06.01 Sales and Use Tax**.

#### Statement of Purpose

The purpose of this action is to update the list of items included in medical equipment to include heart monitors and stairlifts that are not installed so as to become part of real property. Also to update list of items not included in the definition of medical equipment to exclude blood pressure devices, thermometers, scales, and devices to obtain or monitor pulse or respiration. These updates are to provide additional examples of items included and excluded from the definition of medical equipment.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Debora Gorman, Regulations Coordinator, Comptroller of the Treasury, 301 W. Preston St., Room #203, Baltimore, MD 21201-2383, or call 410-767-1557, or email to dgorman@comp.state.md.us, or fax to 410-767-1310. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

### .09 Sale of Medicines, Medical Supplies, Tobacco Cessation Products, Sickroom Equipment, and Certain Medical Equipment.

A. (text unchanged)

B. For the purposes of Tax-General Article, Title 11, Annotated Code of Maryland, the following terms have the meanings indicated:

(1) Medical Equipment.

(a) (text unchanged)

(b) “Medical equipment” includes, but is not limited to, the following items:

(i) — (x) (text unchanged)

(xi) All types of braces, casts, mastectomy bras and forms; [and]

(xii) Apnea monitors, infant breathing monitors, [and] blood glucose monitors, *and heart monitors; and*

(xiii) *Stairlifts, unless installed in such a manner that they become part of the real property.*

(c) “Medical equipment” does not include:

(i) — (vii) (text unchanged)

(viii) Bedside cabinets; [and]

(ix) Receptacles for medical waste[.];

(x) *Blood pressure devices;*

(xi) *Thermometers;*

(xii) *Scales of any type; and*

(xiii) *Devices used to obtain or monitor pulse or respiration, such as pulse oximeters, control diascans, Doppler diagnostic equipment, and mini-Dopplers.*

(d) (text unchanged)

(e) “For use in the home or on the individual’s person” does not include devices used or placed on a person for diagnostic purposes. These devices include, without limitation, the following:

(i) Blood pressure devices;

(ii) Thermometers;

(iii) Scales of any type; and

(iv) Devices used to obtain or monitor pulse, respiration, or heart rate, such as pulse oximeters, control diascans, Doppler diagnostic equipment, mini-Dopplers, and heart monitors.]

(2) — (5) (text unchanged)

PETER FRANCHOT  
Comptroller of the Treasury

## Subtitle 06 SALES AND USE TAX

### 03.06.01 Sales and Use Tax

Authority: Tax-General Article, §§2-102 and 2-103, Annotated Code of Maryland

#### Notice of Proposed Action

[13-065-P]

The Comptroller of the Treasury proposes to amend Regulation .10 under **COMAR 03.06.01 Sales and Use Tax**.

#### Statement of Purpose

The purpose of this action is to state the presumption of taxability on propane gas containers less than 60 pounds on the basis that they are presumed to be for recreational, rather than residential, use.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Debora Gorman, Regulations Coordinator, Comptroller of the Treasury, 301 W. Preston St., Room #203, Baltimore, MD 21201-2383, or call 410-767-1557, or email to

dgorman@comp.state.md.us, or fax to 410-767-1310. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

**.10 Natural and Artificial Gas, Electricity, Steam, Oil, and Coal.**

A.—C. (text unchanged)

D. Residential Sales.

(1)—(2) (text unchanged)

(3) *All sales of propane gas in containers less than 60 pounds are presumed to be for recreational, rather than residential, use and are therefore subject to the tax. Sales of propane gas in containers of any size that are not for residential use, or if the majority of the usage is not for residential purposes as set forth in § D(2) of this regulation, are subject to the tax.*

E. (text unchanged)

PETER FRANCHOT  
Comptroller of the Treasury

**Subtitle 06 SALES AND USE TAX**

**03.06.01 Sales and Use Tax**

Authority: Tax-General Article, §§2-102, 2-103, 11-204, and 11-206, Annotated Code of Maryland

**Notice of Proposed Action**

[13-067-P]

The Comptroller of the Treasury proposes to amend Regulation **.22 at COMAR 03.06.01 Sales and Use Tax.**

**Statement of Purpose**

The purpose of this action is to reflect the fact that S.B. 19 (Ch. 452, Acts of 2012) made permanent the sales and use tax exemption for a sale to an organization of veterans of the armed forces of the United States if the organization is qualified as tax exempt under Section 501(c)(19) of the Internal Revenue Code. This proposal also provides specific guidance regarding exempt sales and exempt purchases by charitable and nonprofit organizations.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Debora Gorman, Regulations Coordinator, Comptroller of the Treasury, 301 W. Preston St., Room #203, Baltimore, MD 21201-2383, or call 410-767-1557, or email to dgorman@comp.state.md.us, or fax to 410-767-1310. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

**.22 Exempt Charitable or Nonprofit Organizations.**

[A. Exempt Sales.

(1) A sale of tangible personal property to a nonprofit charitable, nonprofit educational, or nonprofit religious organization or volunteer fire company or department or volunteer ambulance company or rescue squad, located in this State, when the sale is made to carry on the work of the organization, is exempt from the tax.

(2) A sale of tangible personal property to be used primarily for carrying on an “unrelated trade or business”, as that term is defined in §513 of the Internal Revenue Code, and tangible personal property purchased by officials, members, or employees of the organization for their personal usage is not a sale made to carry on the work of the organization within the meaning of this regulation. Tangible personal property purchased by the organization to be employed by it in raising funds in activities which do not constitute an “unrelated trade or business”, qualifies for the exemption.

(3) A nonprofit charitable, educational, or religious organization is located in this State, for purposes of this exemption, if the organization is physically located in the State or is located in an adjacent jurisdiction and provides its services within the State on a routine and regular basis.

(4) A sale of tangible personal property to a nonprofit parent-teacher association located in the State is exempt from the tax if the association makes the purchase to contribute the property to a school to which a sale is exempt. A parent-teacher association may present the exemption number of its school to a vendor in order to claim the exemption.]

A. *In this regulation, “food” has the meaning as defined in Tax-General Article, §11-206(a)(3)(i) and (ii), Annotated Code of Maryland.*

B. [Exemption Certificates] *Purchases by an Organization.*

(1) [The Comptroller will issue exemption certificates to an entity found to be a nonprofit charitable, educational, or religious organization or a volunteer fire company or department or a volunteer ambulance company or rescue squad located in the State and to other organizations entitled to exemptions on their purchases, such as governmental entities and credit unions, upon application for them on a Combined Registration Application.] *A purchase by a nonprofit charitable, educational, or religious organization or volunteer fire company or department, or volunteer ambulance company or rescue squad, located in this State, when the purchase is made to carry on the work of the organization, is exempt from the tax.*

(2) [An organization wishing to claim an exemption to which it is entitled shall exhibit its exemption certificate to the vendor at the time of sale. The vendor shall record the serial number of the exemption certificate on the record or evidence of each sale. Unless the certificate mentioned above is exhibited at the time of sale, the applicable tax shall be collected by the vendor.] *A purchase by a bona fide nationally organized and recognized organization of the veterans of the armed forces of the United States or an auxiliary of the organization or one of its units, is exempt from the tax.*

(3) *A purchase to be used primarily for carrying on an “unrelated trade or business” as that term is defined in §513 of the Internal Revenue Code, or a purchase made by officials, members, or employees of the organization for their personal usage is not a purchase made to carry on the work of the organization within the meaning of this regulation. A purchase by the organization to be used for raising funds in activities which do not constitute an “unrelated trade or business” qualifies for the exemption.*

(4) *A purchase of tangible personal property by a nonprofit parent-teacher association located in the State is exempt from the tax if the association contributes the purchase to a public or nonprofit elementary or secondary school. A parent-teacher association may present the exemption number of its school to a vendor to claim the exemption.*

(5) *Purchases of tangible personal property and taxable services are exempt if purchased by:*

(a) *A cemetery company that holds a 501(c)(13) designation from the Internal Revenue Service;*

(b) *A credit union organized under the laws of Maryland or the United States; or*

(c) *A nonprofit organization that holds a 501(c)(4) designation from the Internal Revenue Service and provides a program to contain, clean up, or otherwise mitigate oil spills or other substances occurring in the United States coastal and tidal waters.*

C. [Form and Expiration of Exemption Certificates] *Sales by an Organization.*

(1) [Exemption certificates contain the organization's name, address, and eight-digit account number and, except for governmental entities, specify an expiration date. Except for governmental entities, certificates will expire on September 30, 1992 and, upon reissuance, at 5-year intervals after that. Upon application, the Comptroller will issue new exemption certificates to replace existing certificates of those organizations which continue to qualify for tax exemption.] *Generally, a sale of tangible personal property or a taxable service by an exempt organization is subject to tax.*

(2) [Designation of Categories.

(a) The first two digits of the eight-digit account number assigned to the organization by the Comptroller designate the category in which the organization is included, as follows:

- (i) 29 religious institutions;
- (ii) 30 federal, state, and local governmental agencies;
- (iii) 31 educational and charitable organizations;
- (iv) 32 credit unions; and
- (v) 33 volunteer fire departments, rescue squads, and ambulance companies.

(b) Contractors purchasing materials to be incorporated into the real property of a nonprofit charitable, educational, or religious organization or a volunteer fire company or rescue squad may use the exemption certificate issued to that organization to purchase the material tax-free. Purchases of material which will be incorporated into the real property of any other organization, including an otherwise exempt governmental entity, are subject to tax. Vendors may accept the exemption certificate number issued to a religious institution on a resale certificate instead of a sales and use tax license number. Other private exempt entities may not use their exemption certificate number to issue resale certificates but shall register as vendors and use their sales and use tax license numbers for this purpose.] *The following sales are not subject to the tax:*

(a) *Sales made by a bona fide church or religious organization when made for the general purposes of the organization.*

(b) *Sales made by a gift shop at a mental hospital that the Department of Health and Mental Hygiene operates.*

(c) *Sales made by an independent hospital thrift shop that is operated by all volunteer staff, sells only donated articles, contributes the profits from sales to the hospital with which the shop is associated, and is not operated in conjunction with a gift shop or other retail establishment.*

(d) *Sales made by a vending facility operated under the Maryland Vending Program for the Blind and located on property held or acquired by or for the use of the United States for any military or naval purpose where a post exchange or other tax exempt concession is operated.*

(e) *Sales of magazine subscriptions by an elementary or secondary school in the State, or a nonprofit parent-teacher organization or other nonprofit organization within the school, when the students act as salespersons or order takers, if the net proceeds from the sales are used solely for the educational benefit of the school or its students. Sales from an agreement or contract with an organization to participate in a fund-raising activity for a percentage of the gross receipts when students sell or take orders for magazines are also exempt.*

(f) *Sales of food, the proceeds of which are used to support a bona fide nationally organized and recognized organization of veterans of the armed forces of the United States or auxiliary of the*

*organization or one of its units, for consumption only on the premises, when served by the organization or auxiliary.*

(g) *Sales of food, the proceeds of which are used to support a volunteer fire company or department or its auxiliary or a volunteer ambulance company or rescue squad or its auxiliary, when the food is served by the company, department, squad, or auxiliary.*

(h) *Auction sales by or on behalf of a bona fide church, religious organization, or other qualified nonprofit organization, if the proceeds of the sale are used to carry on the exempt purposes of the church or organization. Unless the auction is held directly by a bona fide church or other religious organization, the exemption is limited to only that portion of the sale price that exceeds the fair market value of the tangible personal property and therefore qualifies for a deduction under the federal income tax as a charitable contribution under the regulations and guidelines of the Internal Revenue Service. In auctions held by an auctioneer or any person or organization other than a bona fide church or other religious organization, the exemption is subject to limitation. This exemption requires that the portion of the sale price that qualifies for a deduction under the federal income tax must be separately stated from the fair market value portion of the sales price. If the two components of the sale price are not separately stated, then the sale price is subject to the tax in its entirety.*

(i) *Sales of food, bottled water, soft drinks or carbonated beverages, or candy by a nonprofit food vendor at a youth sporting event or 4-H youth event for individuals under the age of 18 years if there are no facilities for food consumption on the premises, unless the sale is within an enclosure for which a charge is made for admission.*

[3] A vendor may not exempt from the tax any sale to any entity on the basis of an exemption certificate which has expired. The tax shall be collected on sales to entities claiming exemption status unless the vendor is presented with an unexpired exemption certificate issued by the Comptroller to that organization.]

D. *Exemption Certificates.*

(1) *The Comptroller will issue an exemption certificate upon approval of an application to:*

(a) *A nonprofit charitable, educational, or religious organization that is:*

- (i) *Located in the State;*
- (ii) *Located in an adjacent jurisdiction and provides its services within the State on a routine and regular basis; or*
- (iii) *Located in an adjacent jurisdiction whose law does not impose a sales or use tax on a sale to a nonprofit organization made to carry on its works, or contains a reciprocal exemption from sales and use tax for sales to nonprofit organizations located in adjacent jurisdictions.*

(b) *A volunteer fire company or department or a volunteer ambulance company or rescue squad located in the State; and*

(c) *Other organizations entitled to exemptions on their purchases, such as governmental entities, bona fide nationally organized and recognized veterans' organizations, and credit unions.*

(2) *An organization wishing to claim an exemption to which it is entitled shall exhibit its exemption certificate to the vendor at the time of sale. The vendor shall record the valid serial number of the exemption certificate on any record or evidence of each sale. Unless the exemption certificate is exhibited at the time of sale, the applicable tax shall be charged by the vendor.*

E. *Form and Expiration of Exemption Certificates.*

(1) *An exemption certificate contains the organization's name, address, eight-digit account number, and, except for governmental entities, specifies an expiration date. Except for governmental entities, certificates will expire on September 30, 2017, and, upon reissuance, at 5-year intervals after that. Upon application, the Comptroller will issue new exemption certificates to replace existing*

*certificates of those organizations which continue to qualify for tax exempt status.*

(2) *Designation of Categories. The first two digits of the eight-digit account number assigned to the organization by the Comptroller designate the category in which the organization is included, as follows:*

- (a) 29 — religious institutions;
- (b) 30 — federal, state, and local governmental agencies;
- (c) 31 — educational and charitable organizations, qualified cemeteries, and qualified oil spill mitigation organizations;
- (d) 32 — credit unions;
- (e) 33 — volunteer fire departments, rescue squads, and ambulance companies; and
- (f) 34 — veterans' organizations.

(3) *Contractors purchasing materials to be incorporated into the real property of a nonprofit charitable, educational, or religious organization, a volunteer fire company or rescue squad, or a bona fide, nationally organized and recognized veterans' organization may use the exemption certificate issued to that organization to purchase the material tax-free. Purchase of material which will be incorporated into the real property of any other organization, including an otherwise exempt governmental entity, is subject to the tax.*

(4) *A vendor may accept the exemption certificate number issued to a religious institution on a resale certificate instead of a sales and use tax license number. Other private exempt entities may not use their exemption certificate number to issue resale certificates but shall register as vendors and use their sales and use tax license numbers for this purpose.*

(5) *A vendor may not exempt from the tax any sale to any entity on the basis of an exemption certificate which has expired. The tax shall be collected on sales to entities claiming exemption status unless the vendor is presented with an unexpired exemption certificate issued by the Comptroller to that organization.*

PETER FRANCHOT  
Comptroller of the Treasury

## Subtitle 06 SALES AND USE TAX

### 03.06.01 Sales and Use Tax

Authority: Tax-General Article, §§2-102 and 2-103, Annotated Code of Maryland

#### Notice of Proposed Action [13-062-P]

The Comptroller of the Treasury proposes adopt new Regulation .43 under **COMAR 03.06.01 Sales and Use Tax.**

#### Statement of Purpose

The purpose of this action is to define geothermal and residential wind energy and solar equipment under Tax-General Article, §10-230, Annotated Code of Maryland. The regulation provides guidance regarding equipment that is exempt from sales and use tax for purposes of the statute. The action also advises vendors that they may accept a buyer's signed certification that tangible personal property is qualifying geothermal, residential wind energy, or solar equipment in lieu of collecting sales and use tax, and that, if they accept such a certified statement, it must be retained by the vendor with the record of sale.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Debora Gorman, Regulations Coordinator, Comptroller of the Treasury, 301 West Preston Street, Room #203, Baltimore, MD 21201, or call 410-767-1557, or email to dgorman@comp.state.md.us, or fax to 410-767-1310. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

### .43 Geothermal and Residential Wind Energy and Solar Equipment.

#### A. Definitions.

(1) *In this regulation, the following terms have the meaning indicated:*

#### (2) Defined Terms.

(a) *"Equipment" means an implement, such as a tool, apparatus, appliance, utensil, or instrument, used to perform a mechanical or manual operation.*

(b) *"Geothermal equipment" means equipment that uses ground loop technology to heat and cool a structure.*

(c) *"Residential wind energy equipment" means equipment installed on residential property that uses wind energy to generate electricity to be used in a residential structure on the property.*

#### (d) Solar Energy Equipment.

(i) *"Solar energy equipment" means equipment that uses solar energy to heat or cool a structure, generate electricity to be used in a structure or supplied to the electric grid, or provide hot water for use in a structure.*

(ii) *"Solar energy equipment" does not include equipment that is part of a nonsolar energy system, such as a window, floor or other passive solar material that does not involve the use of a mechanical or electronic device but is designed to enhance or improve the functionality of a traditional heating or cooling system, or that uses any type of recreational facility or equipment as a storage medium, such as a pool or hot tub.*

#### B. Exempt Sales.

(1) *The sales and use tax does not apply to a sale of geothermal equipment, residential wind energy equipment, or solar energy equipment.*

(2) *The exemption includes the sale of equipment and other material that is attached, applied, fabricated, or assembled in such a manner that it comprises a complete geothermal, residential wind energy, or solar energy system.*

(3) *Material such as sand, gravel, or grout, although necessary for the system to be built or to function properly, is not equipment or a component of equipment and, therefore, is not exempt from the tax.*

(4) *Vendors, in lieu of collecting the tax, may accept a signed statement from the buyer certifying that the tangible personal property purchased is qualifying geothermal, residential wind energy, or solar energy equipment. The vendor shall retain the statement with the record of sale.*

(5) *If sales and use tax is paid on the sale of an item that qualifies for an exemption the person paying the tax may apply to the Comptroller for a refund pursuant to COMAR 03.03.03.05.*

PETER FRANCHOT  
Comptroller of the Treasury

**Subtitle 06 SALES AND USE TAX**

**03.06.01 Sales and Use Tax**

Authority: Tax-General Article, §§2-102, 2-103, 11-104(h), and 11410, Annotated Code of Maryland

**Notice of Proposed Action**

[13-066-P]

The Comptroller of the Treasury proposes to adopt new Regulation .45 under **COMAR 03.06.01 Sales and Use Tax**.

**Statement of Purpose**

The purpose of this action is to explain the method of computing sales and use tax on sales of dyed diesel fuel by marinas on or after July 1, 2012, to state the record requirement related to such sales, and to advise regarding exempt sales of dyed diesel fuel by marinas.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Potentially meaningful on small businesses. The regulation supports a law effective July 1, 2012, which may lessen the administrative burden of sales tax collections by marinas. The 2007 Economic Census reports 186 marinas in Maryland.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Debora Gorman, Regulations Coordinator, Comptroller of the Treasury, 301 W. Preston St., Room #203, Baltimore, MD 21201-2383, or call 410-767-1557, or email to dgorman@comp.state.md.us, or fax to 410-767-1310. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

**.45 Sales and Use Tax on Sales of Dyed Diesel Fuel by Marinas.**

**A. Definitions.**

(1) *In this regulation, the following terms have the meanings indicated.*

(2) *Terms Defined.*

(a) *“Dyed diesel fuel” means diesel fuel that is dyed under U.S. Environmental Protection Agency rules for high sulfur diesel fuel or is dyed under Internal Revenue Service rules for nontaxable use.*

(b) *“Marina” means an entity that maintains a place of business where motor fuel is sold primarily to vessels.*

**B. Tax Computation.**

(1) *A marina that sells dyed diesel fuel on or after July 1, 2012:*

(a) *Shall pay the sales and use tax on that sale directly to the Comptroller; and*

(b) *May not collect the tax from the buyer as a separately stated item.*

(2) *To compute the sales and use tax, the marina shall apply the 6 percent tax rate to 94.5 percent of the taxable gross receipts from the sale of dyed diesel fuel.*

C. *Records. A marina shall issue a receipt or other record of sale to the buyer that clearly indicates that the sales and use tax is included in the price charged.*

**D. Exempt Sales.**

(1) *If a sale of dyed diesel fuel by a marina qualifies for exemption from sales and use tax, the vendor shall reduce the tax-included price of the dyed diesel fuel by the proportionate amount of tax included in the price.*

(2) *The receipt or other record of sale shall clearly indicate that the price charged has been reduced by the tax amount.*

(3) *A sale of dyed diesel fuel or repair part to be used in a commercial fishing vessel or a vessel otherwise used for commercial purposes is exempt from the tax. A marina may require that the customer certify in a signed written statement that the dyed diesel fuel or repair part is to be used in a commercial fishing vessel or for an otherwise commercial purpose if the record of sale does not otherwise clearly indicate entitlement to exemption.*

PETER FRANCHOT  
Comptroller of the Treasury

**Subtitle 06 SALES AND USE TAX**

**03.06.03 Administrative and Procedural Regulations — Sales and Use, and Admissions and Amusement Taxes**

Authority: Tax-General Article, §§2-102 and 2-103, Annotated Code of Maryland

**Notice of Proposed Action**

[13-060-P]

The Comptroller of the Treasury proposes to amend Regulation .02 under **COMAR 03.06.03 Administrative and Procedural Regulations — Sales and Use, and Admissions and Amusement Taxes**.

**Statement of Purpose**

The purpose of this action is to explain record requirements when a vendor elects to assume or absorb sales and use tax. Records must distinguish between sales in which a vendor absorbed tax and those in which the vendor did not absorb tax.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Debora Gorman, Regulations Coordinator, Comptroller of the Treasury, 301 West Preston Street, Room #203, Baltimore, MD 21201-2383, or call 410-767-1557, or email to dgorman@comp.state.md.us, or fax to 410-767-1310. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

**.02 Records.**

A.—B. (text unchanged)

C. *In the event a vendor elects to assume or absorb all or part of the sales and use tax on any retail sale, the records shall also distinguish sales in which the vendor assumed or absorbed the tax from sales in which the vendor did not assume or absorb the tax.*

[C.] D.—[G.] H. (text unchanged)

PETER FRANCHOT  
Comptroller of the Treasury

**Subtitle 06 SALES AND USE TAX**

**03.06.03 Administrative and Procedural Regulations — Sales and Use, and Admissions and Amusement Taxes**

Authority: Tax-General Article, §§2-102 and 2-103, Annotated Code of Maryland

**Notice of Proposed Action**  
[13-061-P]

The Comptroller of the Treasury proposes to amend Regulation .05 under COMAR **03.06.03 Administrative and Procedural Regulations — Sales and Use, and Admissions and Amusement Taxes**.

**Statement of Purpose**

The purpose of this action is to provide guidance regarding refund of discount in view of the discount limitation and also to address requests for refunds of sales and use tax where sales and use tax has been assumed or absorbed by a vendor.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Debora Gorman, Regulations Coordinator, Comptroller of the Treasury, 301 West Preston Street, Room #203, Baltimore, MD 21201-2383, or call 410-767-1557, or email to dgorman@comp.state.md.us, or fax to 410-767-1310. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

**.05 Refunds of Sales and Use Tax.**

A. General.

(1)—(2) (text unchanged)

(3) If the request for a refund is for taxes previously paid with a return, and from which a collection discount was deducted by the person making the request, the Comptroller [shall deduct from the approved amount the amount of the collection discount]:

(a) *If the entire amount of the taxes previously paid with a return was subject to the collection discount, shall deduct from the approved amount the amount of the collection discount; or*

(b) *If the entire amount of the taxes previously paid with a return was not subject to the collection discount:*

(i) *Shall deduct from the approved amount the amount of the collection discount if, after excluding the approved amount from the total amount of tax previously paid with the return, the taxpayer would not exceed the collection discount limitation; or*

(ii) *May not deduct from the approved amount the amount of the collection discount if, after excluding the approved amount from the total amount of tax previously paid with the return, the taxpayer would still exceed the collection discount limitation.*

(4)—(6) (text unchanged)

B. (text unchanged)

C. *Special Provisions for Requests for Refund of Sales and Use Tax Assumed or Absorbed by a Vendor.*

(1) *Subject to the provisions of §B of this regulation, a vendor who has assumed or absorbed sales and use tax on a retail sale or use may claim a refund of sales and use tax, penalty, or interest erroneously paid in excess of the amount properly and legally payable to the Comptroller.*

(2) *Records and documents relating to and supporting the request for refund of assumed or absorbed sales and use tax, penalty, or interest shall:*

(a) *Show that sales and use tax was separately stated from the sale price on any record of sale; and*

(b) *Conclusively demonstrate that the vendor paid the sales and use tax on behalf of the buyer.*

PETER FRANCHOT  
Comptroller of the Treasury

**Title 08**

**DEPARTMENT OF NATURAL RESOURCES**

**Subtitle 02 FISHERIES SERVICE**

**08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure**

Authority: Natural Resources Article, §§ 4-206, 4-220, 4-701, 4-745, 4-1201, and 4-1210, Annotated Code of Maryland

**Notice of Proposed Action**  
[13-032-P]

The Secretary of Natural Resources proposes to amend Regulations .01, .02, .03, .05, and .08 under COMAR **08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure**.

**Statement of Purpose**

The purpose of this action is to make adjustments to the recreational, commercial, and charter boat/fishing guide penalty systems. The action adds penalties for fishing in a blind/youth restricted area and increases penalties for possessing undersized hard crabs to the recreational fishing penalty system. The action increases tiers for oyster sanctuary violations, adds additional tiers for undersized hard crabs, differentiates misdemeanor and felony Lacey Act violations, and adds penalties for gill net reels, unmarked gill net corks, river herring possession, aquaculture violations, and untagged oyster containers to the commercial fishing penalty system. The action also adds penalties for undersized hard crabs to the charter boat/fishing guide penalty system. The action makes general text corrections and clarifications.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Penalty System, Regulatory Staff, Fisheries Service, 580 Taylor Ave, Annapolis, MD 21401, or call 410-260-8260, or email to fisheriespubliccomment@dnr.state.md.us, or fax to 410-260-8310. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

**.01 Purpose and Definitions.**

A. This chapter establishes suspension and revocation criteria for fishing privileges under Natural Resources Article, Title 4, Annotated Code of Maryland.

*B. Definitions.*

(1) *For purposes of this chapter, the following terms have the meanings indicated.*

(2) *Terms Defined.*

(a) *“Conviction” includes:*

(i) *A guilty verdict or accepted plea of nolo contendere;*

(ii) *An admission of guilt to any charge made by the prepayment of the applicable fine instead of appearing for trial; or*

(iii) *Each charged violation merged into a conviction.*

(b) *“Entitlement to engage in a particular activity or activities under a tidal fish license” means the privilege to engage in commercial fishing activities without holding a tidal fish license and includes the privilege to work as a crew member or other assistant to a tidal fish licensee.*

(c) *“Revocation” means the act of the Department permanently rescinding a fishing license, authorization, or entitlement and thereby permanently prohibiting a person from engaging in a fishing activity or activities under any circumstances.*

(d) *“Suspension” means the act of the Department temporarily rescinding a fishing license, authorization, or entitlement and thereby temporarily prohibiting a person from engaging in a fishing activity or activities under any circumstances.*

**.02 Commercial License Suspension and Revocation.**

A. [An individual] *A person* shall be notified [that the individual’s] *when their* tidal fish license, authorization, or entitlement to engage in a particular activity or activities under a tidal fish license is or may be subject to suspension or revocation. [whenever the individual has been convicted of violations listed in Regulation .03 of this chapter.]

B. Before the Department imposes a suspension or revocation under this regulation, [an individual] *a person* is entitled to a contested case hearing upon request in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland.

C. The Department may agree to a period of suspension or revocation with [an individual] *a person* before proceeding to a contested case hearing.

**D. Suspension and Revocation.**

(1) The suspension and revocation schedule in §D(3) of this regulation establishes the maximum number of days that [an individual’s] *a person’s* tidal fish license, authorization, or entitlement to engage in a particular activity or activities under a tidal fish license may be suspended or revoked through the accumulation of points. A lesser penalty may be imposed at the Department’s discretion if the circumstances warrant it, to include consideration of the [individual’s] *person’s* disciplinary record and the [individual’s] *person’s* agreement to comply with any conditions that the Department may reasonably require.

(2) (text unchanged)

(3) [An individual] *A person* who in any 2-year period accumulates the number of points provided below shall be penalized in accordance with the following schedule:

Number of Points Accumulated in Any 2-Year Period	Maximum Period of Suspension or Revocation
10	30-day suspension
15	60-day suspension
20	90-day suspension
25	180-day suspension
30	365-day suspension
35	Revocation

(4) (text unchanged)

(5) [Unless an individual has accumulated 35 points or more on their license, an individual] *A person* who receives a third suspension or revocation within a 6-year period pursuant to any provisions of Regulation .02 or .03 of this chapter is subject to an additional suspension of their tidal fish license, authorization, or entitlement to engage in a particular activity or activities under a tidal fish license for a period not to exceed 5 years.

(6) *When a person accumulates 25 points or more, is eligible for suspension for at least 180 days, or is eligible for revocation, for a commercial fishing violation, the Department may prohibit that person from transferring or obtaining a tidal fish license or authorization before any suspension or revocation is imposed.*

**E. General Prohibitions.**

(1) If [an individual’s] *a person’s* tidal fish license, authorization, or entitlement to engage in a particular activity or activities under a tidal fish license is suspended or revoked that [individual] *person* is not and may not be authorized to engage or work in the fishery or fisheries for which the license, authorization, or entitlement was suspended or revoked whether or not the activity or activities require the use of another license, during the suspension or revocation period.

(2) When [an individual’s] *a person’s* tidal fish license, authorization, or entitlement to engage in a particular activity or activities under a tidal fish license is suspended or revoked, the Department may prohibit that [individual] *person* from engaging in any commercial fishing activities whether or not the activities require the use of another license, during the suspension or revocation period.

(3) Unless authorized by Natural Resources Article, §4-702, Annotated Code of Maryland, if [an individual’s] *a person’s* license, authorization, or entitlement to deal in seafood is suspended or revoked, that [individual] *person* may not deal in seafood harvested by another [individual] *person* whether or not the activity requires the use of another license, during the suspension or revocation period.

(4) [An individual] *A person* whose license has been [revoked] *suspended* may not apply for a new license through the apprenticeship program or transfer or purchase a license until after the [revocation] *suspension* period has expired.

**.03 Point Assignment Schedule.**

A. For each conviction of a chargeable offense listed in [§§D—I] §§C—I of this regulation, the Department shall enter on the record of the [individual] *person* the number of points listed for that particular conviction.

[B.] (proposed for repeal)

[C.] *B.* The points associated with each conviction are described in [§§D—I] §§C—I of this regulation. All statutory references are to Natural Resources Article, Annotated Code of Maryland, unless otherwise noted.

PROPOSED ACTION ON REGULATIONS

[D.] C. Tier I. The following violations are Tier I violations. [An individual] A person who receives a conviction for a Tier I violation receives 5 points.

(existing table proposed for repeal)

	<i>Statute or Regulation</i>	<i>Description</i>
1	4-1105, 4-1009.1, 4-1014, 4-1014.1, 4-1014.2, 4-1014.3, COMAR 08.02.04.13, COMAR 08.02.04.14, COMAR 08.02.04.15	Harvesting Oysters on Closed Areas, Reserved Areas, or Sanctuaries: less than 50 feet within an area
2	4-215, COMAR 08.02.04.04	Untagged Oysters: 2 Containers
3	4-1012, COMAR 08.02.04.12	Dredging for Oysters in Prohibited Areas: less than 150 feet within an area
4	4-1013(e)	Dredging for Oysters on Areas Reserved for Tongers: less than 150 feet within an area
5	4-1011	Using Patent or Hand Tongs Illegally in Certain County Waters
6	4-1013(f)	Using an Illegal Oyster Dredge
7	4-1006(b)	Harvesting Oysters or Clams in a Polluted Area: less than 150 feet over the pollution line
8	4-1006(a)	Harvesting Oysters or Clams Near the Federal Research Laboratory at Oxford: within 400 feet of the laboratory
9	4-1022	Illegally Using a Shinnecock Rake
10	COMAR 08.02.07.02, COMAR 08.02.07.03	Violating Requirements Pertaining to Hard-Shell Clam
11	4-1021(a)—(b)	Violating Dredging Provisions Pertaining to Hard-Shell Clams in Pocomoke and Tangier Sounds
12	4-1021.2(b)	Harvesting Hard Shell Clams in Somerset County With Patent Tongs Between Sunset and Sunrise, on Sunday, or During a Closed Season
13	4-1021.1	Dredging for Hard-Shell Clams in the Atlantic Coastal Bays
14	4-1027	Selling and Shipping Hard-Shell Clams Without the Proper License
15	4-1024	Unlawfully Taking Hard-Shell Clams for Commercial Purposes without a License in Worcester County
16	4-1037(1)	Using a Hydraulic Clam Dredge to Catch Soft Shell Clams Within 150 Feet of a Natural Oyster Bar or Leased Oyster Area
17	COMAR 08.02.02.01A	Operating a Hydraulic Soft Shell Clam Dredge Without a License
18	COMAR 08.02.02.04D	Exceeding the Daily Catch Limit for Soft-Shell Clams: 2 containers or more over the limit
19	COMAR 08.02.02.05	Minimum Size Limit for Soft-Shell Clams: 2 bushels or more with 15-24% undersized clams
20	COMAR 08.02.02.06A	Catching or Landing Soft-Shell Clams on Sunday
21	COMAR 08.02.02.06B	Violating Regulations Pertaining to the Time for Harvesting, Landing, or Delivering Soft Shell Clams by 60 Minutes or More
22	4-1036, COMAR 08.02.02.08, COMAR 08.02.02.09	Unlawfully Selling Soft-Shell Clams
23	4-1038	Violating Restrictions on Harvesting Soft-Shell Clams by Hydraulic Dredge in Certain Counties
24	4-1006.1	Using a Hydraulic Clam Dredge, a Traditional Bottom Dredge, or a Shinnecock Rake in a SAV Protection Zone: less than 150 feet within an area
25	4-1007, COMAR 08.02.02.12B, COMAR 08.02.07.03C	Harvesting clams within 150 feet of a (a) natural oyster bar, (b) leased area, (c) public shellfish fishery area, or (d) sanctuary
26	COMAR 08.02.03.14E, 4-803, 4-215	Possessing Undersized Crabs: (a) Hard Crabs (All Licenses), (i) 10—30 per bushel, (ii) 23—75 per barrel; (b) Peelers (All Licenses), (i) over 15 per bushel, (ii) over 25 per float; (c) Soft Crabs: 10 or more
27	COMAR 08.02.03.12B, 4-803, 4-215	Violating Regulations Pertaining to Crabbing in Worcester County—Catch Limit: 2 bushels or more over the daily catch limit
28	COMAR 08.02.03.14B, 4-803, 4-215	Possessing Female Crabs in Male Crab Bushels: (a) Over 10 per bushel, (b) Over 23 per barrel
29	COMAR 08.02.03.11A, 4-803, 4-215	Violating Regulations Pertaining to Mature Female Crabs—Closure Period: (a) Over 8 per bushel, (b) Over 18 per barrel
30	COMAR 08.02.03.14B, 4-803, 4-215	Violating Regulations Pertaining to Mature Female Crabs—Catch Limit: (a) LCC: 1 bushel over limit, (b) TFL/CB3: 2—3 bushels over limit, (c) CB6: 3—5 bushels over limit, (d) CB9: 4—7 bushels over limit
31	COMAR 08.02.03.04, 4-803, 4-215	Violating Crab Scrape Requirements: (a) structural requirements; (b) number permitted; or (c) prohibited areas
32	COMAR 08.02.03.05, 4-803, 4-215	Violating Bank Trap & Channel Pound Requirements: (a) structural requirements; (b) prohibited areas; (c) over 35 set in Somerset county; or (d) failure to remove by specified times

33	COMAR 08.02.03.07B, COMAR 08.02.03.12A, 4-803, 4-215	Violating Crab Pot Structural Requirements
34	COMAR 08.02.03.07E—H, 4-803, 4-215	Setting Crab Pots in a Restricted Area: 5—14 pots set in a restricted area
35	COMAR 08.02.03.07C	Failing to Remove 5 or More Crab Pots Within 30 Days of the End of the Season
36	COMAR 08.02.03.13, 4-803, 4-215	Violating Regulations Pertaining to Harvesting Crabs From Pound Nets
37	COMAR 08.02.03.11A, 08.02.03.12D, 4-803, 4-215	Violating Regulations Pertaining to the Time for Catching Crabs by 60 Minutes or More
38	4-809(c)	Possessing Fat, Snot, Green or Buckram Crab in Worcester County
39	COMAR 08.02.06.01C	Using an Illegal Method to Catch Snapping Turtles
40	COMAR 08.02.06.01E	Catching Snapping Turtle in Charles County During Prohibited Times
41	COMAR 08.02.06.01F	Possessing Destroying or Disturbing Snapping Turtle Eggs
42	COMAR 08.02.06.01G	Violating Snapping Turtle Size Limits: 4 or more undersized snapping turtles
43	COMAR 08.02.06.01G	Violating Snapping Turtle Commercial Permits and Licenses Requirements
44	COMAR 08.02.06.01G	Violating Snapping Turtle Trap Float Requirements
45	COMAR 08.03.11.04, COMAR 08.03.11.09	Possessing Destroying or Disturbing Snapping Terrapin Eggs
46	COMAR 08.02.15.05A, 4-2A-03, 4-215	Violating Requirements Pertaining to Tagging Striped Bass: 5—10 fish
47	4-2A-05, COMAR 08.02.15.07	Violating Requirements Pertaining to Striped Bass Size Limits: 6—10 fish
48	COMAR 08.02.15	20%—49% Over Striped Bass Quota
49	COMAR 08.02.05.12	20%—49% Over Summer Flounder Quota
50	4-740, COMAR 08.02.11.04, COMAR 08.02.05.28	Unlawfully Taking or Possessing Walleyed Pike
51	COMAR 08.02.05.06	Unlawfully Taking Hickory Shad
52	COMAR 08.02.21.03B, 4-215	Possession of Undersized or Oversized Yellow Perch Caught Other Than By Hook and Line: 11—24 Fish
53	4-733, COMAR 08.02.15.12C	Possessing Fish Whose Size or Weight Cannot Be Determined
54	4-734, 4-215, COMAR 08.02.05	Possessing Undersized Fish Except Striped Bass: 11 or more fish
55	4-710(e)	Unlawfully Using Anchored Gill, Fyke, or Hoop Nets: set more than 1/3 the distance across a body of water
56	COMAR 08.02.05.02B	Setting Gill Nets in Prohibited Areas During Certain Times of the Year
57	4-710(c)(1), COMAR 08.02.05.02B, COMAR 08.02.15.07D	Using Less Than Minimum Size of Net Mesh
58	4-710(c)(3), COMAR 08.02.05.02B, COMAR 08.02.15.07D	Exceeding Maximum Size of Net Mesh
59	COMAR 08.02.05.02B	Setting Fishing Gear or Harvesting Fish in Prohibited Upstream Areas of the Susquehanna River
60	4-710(a)	Illegally Using a Gig, Gig Iron, Purse Net, Trammel Net, Troll Net, or Drag Net
61	4-710(b)	Illegally Using Otter or Beam Trawl—Atlantic Ocean
62	COMAR 08.02.05.02B, COMAR 08.02.21.03K	Setting Fyke Nets in Certain Prohibited Areas From February 1st Through March 31st
63	4-711(a)-(d)	Illegally Setting Pound or Fyke Nets: (a) greater than 1/3 the distance across a body of water; (b) setting nets too close together; or (c) setting nets in or upon leased oyster grounds without permission
64	4-713(f)	Using an Illegal Length of Haul Seine or Using a Haul Seine With More Than One Powered Vessel
65	4-710(f)	Violating Haul Seine Restrictions: set more than 1/3 the distance across a body of water
66	4-713(g)	Emptying Haul Seine Too Close to Shore or Beach and Allowing Small Fish to Perish
67	4-215, COMAR 08.02.15.07	Unmarked Corks on Drift Gill Net

[E.] D. Tier II. The following violations are Tier II violations. [An individual] A person who receives a conviction for a Tier II violation receives 10 points.

(existing table proposed for repeal)

	Statute or Regulation	Description
1	4-1007, COMAR 08.02.04.16, COMAR 08.02.23.04F	Failure to Sell Oysters to a Buy Station
2	4-1013(a)	Power Dredging Without a Power Dredge Permit
3	COMAR 08.02.04.03B—C, 4-215	Time for Taking Oysters: (a) more than 2 hours after sunset; (b) any time before sunrise; or (c) on a closed day
4	4-1009(a)	Unlawfully Taking Seed Oysters During a Closed Season
5	4-1009(b)—(d), 4-1015.1(b), COMAR 08.02.04.06	Exceeding Oyster Daily Catch Limit: 10%—24% over catch limit
6	4-1015, 4-1015.1, COMAR 08.02.04.11	Possessing Unculled or Undersized Oysters: 15%—24% per bushel

PROPOSED ACTION ON REGULATIONS

7	4-1105, 4-1009.1, 4-1014, 4-1014.1, 4-1014.2, 4-1014.3, COMAR 08.02.04.13, COMAR 08.02.04.14, COMAR 08.02.04.15	Harvesting Oysters on Closed Areas, Reserved Areas, or Sanctuaries: 50—149 feet within an area
8	4-1040(b), 4-1021(c)	Possessing Oysters Aboard a Clam Dredge Boat
9	COMAR 08.02.02.12B, COMAR 08.02.07.03C	Harvesting clams within 150 feet of a (a) natural oyster bar, (b) leased area, (c) public shellfish fishery area, or (d) oyster sanctuary
10	COMAR 08.02.03.14F	Harvesting Female Crabs With a Male Only Limited Crab Harvester License: More Than 5 Female Crabs in Possession
11	COMAR 08.02.03.08, 4-803, 4-215	Violating Regulations Pertaining to Egg-Bearing Female Crabs
12	4-701(d)(2)(ii)2B, 4-814	Exceeding The Crab Pots Permitted by the Limited Crab Catcher Authorization by 5 Pots or More
13	COMAR 08.02.03.07E—H, 4-803, 4-215	Setting Crab Pots in a Restricted Area: 15 or More Pots Set in a Restricted Area
14	COMAR 08.02.03.14B—D, 4-803, 4-215	Violating Crabbing Regulations Pertaining to Mandatory Days Off
15	COMAR 08.02.03.14B, 4-803, 4-215	Violating Regulations Pertaining to Mature Female Crabs—Catch Limit: (a) LCC: 2 bushels over limit, (b) TFL/CB3: 4—5 bushels over limit, (c) CB6: 6—9 bushels over limit, (d) CB9: 8—12 bushels over limit
16	COMAR 08.02.03.12E, 4-803, 4-215	Using a Crab Scrape in Worcester County
17	COMAR 08.02.15.05A, 4-2A-03, 4-215	More Than One Gear Type of Striped Bass Tags or Permit on Board a Vessel
18	COMAR 08.02.15.05	Tagging Striped Bass with an Incorrect Gear Tag
19	COMAR 08.02.15	50%—99% Over Striped Bass Quota
20	COMAR 08.02.15.07	Harvesting or Attempting to Harvest Striped Bass with an Illegal Gill Net
21	COMAR 08.02.15.07	Violating Requirements Pertaining to Striped Bass Size Limits: 11 or more fish
22	4-735, COMAR 08.02.05.19	Violating Fishing Restrictions Concerning the Sale of Black Bass and Chain Pickerel
23	COMAR 08.02.05.05	Unlawfully Taking American Shad
24	COMAR 08.02.05.12	50%—99% Over Summer Flounder Quota
25	COMAR 08.02.21.03B, 4-215	Possession of Undersized or Oversized Yellow Perch Caught Other Than by Hook and Line: 25—50 Fish
26	4-710(h)	Obstructing Drift Net Fishing in Waters 50 Feet or More in Depth in the Mainstem of the Chesapeake Bay South of the Bay Bridge from December 1 Through April 1
27	4-711(h)	Allowing Stakes to Remain in Water After Notice
28	4-713(b)	Failure to Have Haul Seine Inspected and Sealed
29	4-713(i)	Unlawfully Using a Haul Seine on Weekends

[F.] E. Tier III. The following violations are Tier III violations. [An individual] A person who receives a conviction for a Tier III violation receives 15 points.

(existing table proposed for repeal)

	Statute or Regulation	Description
1	4-405	Fishing on a State Fish Refuge
2	4-743	Violating Shellfish Quarantine
3	4-1015, 4-1015.1, COMAR 08.02.04.11	Possessing Unculled or Undersized Oysters: 25%—49% per bushel
4	4-1009(b)—(d), 4-1015.1(b), COMAR 08.02.04.06	Exceeding Oyster Daily Catch Limit: 25% or more over catch limit
5	4-215, COMAR 08.02.04.04	Untagged Oysters: 3—5 Containers
6	4-1012, COMAR 08.02.04.12	Power Dredging in Prohibited Areas: 150 feet or more within an area
7	4-1013(e)	Sail Dredging on Areas Reserved for Tongers: 150 feet or more within an area
8	4-1105, 4-1009.1, 4-1014, 4-1014.1, 4-1014.2, 4-1014.3, COMAR 08.02.04.13, COMAR 08.02.04.14, COMAR 08.02.04.15	Harvesting Oysters on Closed Areas, Reserved Areas, or Sanctuaries: 51—150 feet within an area
9	4-1006(b)	Harvesting Oysters or Clams in a Polluted Area: 150 feet or more over the pollution line
10	4-1006(a)	Harvesting Oysters or Clams Near the Federal Research Laboratory at Oxford: within 250 feet of the laboratory
11	4-1006.1	Using a Hydraulic Clam Dredge, a Traditional Bottom Dredge, or a Shinnecock Rake in a SAV Protection Zone: 150 feet or more within an area
12	4-1037(1)	Using a Hydraulic Clam Dredge to Catch Soft Shell Clams on a Natural Oyster Bar or a Leased Oyster Area.
13	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: 31—40 per bushel or 76—100 per barrel

14	COMAR 08.02.03.14B, 4-803, 4-215	Violating Regulations Pertaining to Mature Female Crabs—Catch Limit: (a) LCC: 3 bushels over limit, (b) TFL/CB3: 6—9 bushels over limit, (c) CB6: 10—14 bushels over limit, (d) CB9: 13—19 bushels over limit
15	COMAR 08.02.03.07D, 4-803, 4-215, 4-505	Fishing A Crab Pot Licensed to Another Person
16	4-902	Violating Regulations Pertaining to Terrapins—No Commercial Harvest
17	COMAR 08.02.15.07, 4-215	Possessing 11 or More Oversized Striped Bass
18	COMAR 08.02.15	Harvesting or Attempting to Harvest Striped Bass with an Anchored Gill Net
19	COMAR 08.02.15.05A, 4-2A-03, 4-215	Violating Requirements Pertaining to Tagging Stripped Bass: 11 or more untagged fish
20	COMAR 08.02.05.02, 08.02.15	Harvesting Striped Bass in a Closed Area
21	COMAR 08.02.15	100% or More Over Striped Bass Quota
22	COMAR 08.02.05.12	100% or More Over Summer Flounder Quota
23	COMAR 08.02.21.03B, 4-215	Possession of 51 or More Undersized or Oversized Yellow Perch Caught Other Than by Hook and Line
24	4-2A-03, COMAR 08.02.05.09	Possession of River Herring: 1—10 fish
25	COMAR 08.02.03, COMAR 08.02.04, COMAR 08.02.05, COMAR 08.02.15, COMAR 08.02.21, COMAR 08.02.22, COMAR 08.02.23, Natural Resources Article, Title 4	Violating Closed Commercial Fishing Seasons
26	4-215, COMAR 08.02.15.07	Unlawful Gill Net Reel
27	4-505	Fishing Gear Belonging to Another Person
28	4-511	Interfering with State Buoys, Markers, or Monuments

[G.] F. Tier IV. The following violations are Tier IV violations. [An individual] A person who receives a conviction for a Tier IV violation receives 20 points.

(existing table proposed for repeal)

	Statute or Regulation	Description
1	COMAR 08.02.04	Catching or Possessing Undersized Oysters, If Catch Contains 50% or More Undersized Oysters in Total Catch or 50% or More in Any Bushel or Container That Holds More Than Half a Bushel
2	4-215, COMAR 08.02.04.04	Untagged Oysters: 6—9 Containers
3	COMAR 08.02.04	Harvesting Clams 2 Hours After the Legal Time Period or 2 hours Before the Legal Start Time
4	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: 41—50 per bushel or 101—125 per barrel
5	COMAR 08.02.03.14B, 4-803, 4-215	Violating Regulations Pertaining to Mature Female Crabs—Catch Limit: (a) LCC: 4 or more bushels over limit, (b) TFL/CB3: 10 or more bushels over limit, (c) CB6: 15 or more bushels over limit, (d) CB9: 20 or more bushels over the limit
6	COMAR 08.02.15	Catching or Possessing Oversized Striped Bass, If Catch Has 12 or More Fish Over 40 inches
7	COMAR 08.02.15	Selling or Possessing Untagged Striped Bass, Unreported Striped Bass, or Untagged and Unreported Striped Bass, In an Amount of More Than 200 Pounds Above the Permitted Quota
8	4-732, COMAR 08.02.05.02B, COMAR 08.02.15.03	Violating Any Regulation Pertaining to Striped Bass Spawning Areas During Spawning Season
9	COMAR 08.02.15	Using a Drift Gill Net with Mesh in Excess of 8 Inches
10	4-710	Using a Single Strand Monofilament Gill Net
11	4-2A-03, COMAR 08.02.05.09	Possession of River Herring: 11—20 fish
12	COMAR 08.02.12.04A, 4-2A-05(c)	Taking Endangered or Threatened Species of Fish

[H.] G. Tier V. The following violations are Tier V violations. [An individual] A person who receives a conviction for a Tier V violation receives 25 points.

(existing table proposed for repeal)

	Statute or Regulation	Description
1	4-739, COMAR 08.02.05.11	Violating Regulations Pertaining to the Catch, Possession, or Sale of Sturgeon
2	4-11A-15	Destroying Boundary Markers for Leased Oyster Ground
3	4-503	Dynamiting
4	4-510	Violating Requirements Pertaining to Spear Guns
5	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: 51 or more per bushel or 126 or more per barrel
6	50 C.F.R. § 600.725	Illegally Harvesting Striped Bass in the EEZ

**PROPOSED ACTION ON REGULATIONS**

[I.] *H.* Tier VI. The following violations are Tier VI violations. [An individual] *A person* who receives a conviction for a Tier VI violation receives 30 points.

(existing table proposed for repeal)

	<i>Statute or Regulation</i>	<i>Description</i>
1	4-708, 4-701(l)(2), COMAR 08.02.13.02E	<i>Operating When a License is Suspended or Revoked</i>
2	Natural Resources Article, Title 4, COMAR 08.02.02.01, 08.02.02.09, 08.02.03.03, 08.02.04.05, 08.02.05.03, 08.02.05.08, 08.02.08.03, 08.02.15.05, 08.02.18.03, 08.02.18.04, 08.02.18.05, 08.02.18.06	<i>Operating Without a Required Commercial Fishing License or Authorization</i>
3	4-210(b), 4-701(f)	<i>Violating Fishing Guide Requirements: failure to obtain the federal license required to operate a vessel carrying passengers for hire</i>
4	COMAR 08.02.24A, COMAR 08.02.05.24B	<i>Unlawfully Finning Sharks or Dogfish</i>
5	4-215, COMAR 08.02.04.04	<i>Untagged Oysters: 10 or More Containers</i>
6	4-1105, 4-1009.1, 4-1014, 4-1014.1, 4-1014.2, 4-1014.3, COMAR 08.02.04.13, COMAR 08.02.04.14, COMAR 08.02.04.15	<i>Harvesting Oysters on Closed Areas, Reserved Areas, or Sanctuaries: 151—250 feet within an area</i>
7	COMAR 08.02.15.04, 4-215	<i>Possessing Striped Bass for Commercial Purposes Without a Striped Bass Allocation</i>
8	4-2A-03, COMAR 08.02.05.09	<i>Possession of River Herring: 21 or more fish</i>
9	16 U.S.C. § 3371-3378	<i>A Violation of the Lacey Act (Misdemeanor)</i>

*I. Tier VII. The following violations are Tier VII violations. A person who receives a conviction for a Tier VI violation receives 35 points.*

1	4-1105, 4-1009.1, 4-1014, 4-1014.1, 4-1014.2, 4-1014.3, COMAR 08.02.04.13, COMAR 08.02.04.14, COMAR 08.02.04.15	<i>Harvesting Oysters on Closed Areas, Reserved Areas, or Sanctuaries: 251 feet or more within an area</i>
2	16 U.S.C. § 3371-3378	<i>A Violation of the Lacey Act (Felony)</i>

J. In addition to any other applicable penalty, [an individual] *a person* may be suspended for a period of not less than 180 days and not exceeding 365 days during the oyster harvest season for:

(1) The unlawful harvest of oysters from a leased oyster bottom or from more than 150 feet within an oyster sanctuary, oyster reserve, or area closed to harvest by the Department of the Environment, when the area is designated and marked with buoys or other signage or the [individual] *person* knew or should have known that the harvest of oysters from the area was unlawful; or

(2) (text unchanged)

**.05 Recreational Fishing Suspension and Revocation.**

A. Any [individual] *person* who is convicted of an offence under §§D—G of this regulation or similar offences under federal law in Maryland may:

(1)—(3) (text unchanged)

B.—C. (text unchanged)

D. [An individual] *A person* who receives one of the following violations may be suspended for up to 30 days.

	STATUTE OR REGULATION	DESCRIPTION
(1)—(3)	(text unchanged)	

E. [An individual] *A person* who receives one of the following violations may be suspended for up to 90 days.

	STATUTE OR REGULATION	DESCRIPTION
(1)	(text unchanged)	
(2)	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: [6—10] 10—15 per bushel
[(3)]	COMAR 08.02.03.09A	Failure to Obtain Recreational Crabbing License Before Harvesting Crabs or Eels]
[(4)] (3)—[(35)] (34)	(text unchanged)	
(35)	COMAR 08.02.15.09C	Daily Catch Limit — Striped Bass — General — Chesapeake: 2 fish over daily catch limit
(36)—(37)	(text unchanged)	
(38)	COMAR 08.02.15.09C	Size Limits — Striped Bass — General — Chesapeake: 2 fish
[(38)] (39)—[(46)] (47)	(text unchanged)	

F. [An individual] *A person* who receives one of the following violations may be suspended for up to 180 days.

	STATUTE OR REGULATION	DESCRIPTION
(1)	(text unchanged)	
(2)	08.02.04.02	Oystering During a Closed Season
[(2)] (3)—[(4)] (5)	(text unchanged)	
(6)	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: 16—20 per bushel
(7)	COMAR 08.02.11	Possession of Undersized Fish: 50%—99% of creel limit
(8)	COMAR 08.02.11.01E	Unlawfully Fishing in Area Restricted to Under 16 Years of Age, Sixty-Five Years Old and Older and Blind Persons
(9)	COMAR 08.02.11.01F	Unlawfully Fishing in Area Restricted to Youth and Blind Persons
[(5)] (10)—[(16)] (21)	(text unchanged)	

PROPOSED ACTION ON REGULATIONS

(22)	COMAR 08.02.15.09C	Daily Catch Limit — Striped Bass — General — Chesapeake: 3 fish over daily catch limit
[(17)] (23)—[(18)] (24)	(text unchanged)	
(25)	COMAR 08.02.15.09C	Size Limits — Striped Bass — General — Chesapeake: 3 fish
[(19)] (26)—[(30)] (37)	(text unchanged)	
[(31)]	COMAR 08.02.11	Possession of Undersized Fish: 50—99% of creel limit
(32)	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: 11—15 per bushel]

G. [An individual] A person who receives one of the following violations may be suspended for up to 365 days.

	STATUTE OR REGULATION	DESCRIPTION
(1) — (16)	(text unchanged)	
(17)	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: 21 or more per bushel
[(17)](18)—[(19)](29)	(text unchanged)	
[(20)] (21)	COMAR 08.02.05.05	Possessing American Shad: 11[+] or more fish
[(21)] (22)	COMAR 08.02.05.06	Possessing Hickory Shad: 11[+] or more fish
[(22)] (23)	COMAR 08.02.05.10A	Size Limits — Bluefish: 11[+] or more fish
[(23)] (24)	COMAR 08.02.05.10B	Daily Catch Limits — Bluefish: 11[+] or more fish over daily catch limit
[(24)] (25)	(text unchanged)	
[(25)] (26)	COMAR 08.02.05.12A(1)	Size Limits — Summer Flounder: 11[+] or more fish
[(26)] (27)	COMAR 08.02.05.12A(2)	Daily Catch Limits — Summer Flounder: 11[+] or more fish over daily catch limit
[(27)] (28)	COMAR 08.02.05.13A(1)	Size Limits Spotted Sea Trout: 11[+] or more fish
[(28)] (29)	COMAR 08.02.05.13A(2)	Size Limits — Weakfish: 11[+] or more fish
[(29)] (30)	COMAR 08.02.05.13B(1)	Daily Catch Limits — Weakfish or Spotted Sea trout: 11[+] or more fish over daily catch limit
[(30)] (31)	COMAR 08.02.05.14A	Size Limits — Spanish Mackerel: 11[+] or more fish
[(31)] (32)	COMAR 08.02.05.14B	Daily Catch Limits — Spanish Mackerel: 11[+] or more fish over daily catch limit
[(32)] (33)	COMAR 08.02.05.15A	Size Limits — Black Drum: 3[+] or more fish
[(33)] (34)	COMAR 08.02.05.15B	Daily Catch Limit — Black Drum: 3[+] or more fish over daily catch limit
[(34)] (35)	COMAR 08.02.05.16A(1)	Size Limits — Red Drum: 3[+] or more fish
[(35)] (36)	COMAR 08.02.05.16A(2)	Daily Catch [Limit] Limit — Red Drum: 3[+] or more fish over daily catch limit
[(36)] (37)	COMAR 08.02.05.18A(1)	Size Limits — Croaker: 11[+] or more fish:
[(37)] (38)	COMAR 08.02.05.18B	Daily Catch Limit — Croaker: 11[+] or more fish over daily catch limit
[(38)] (39)	COMAR 08.02.05.19A	Size Limits — Black Bass (Largemouth and Smallmouth): 11[+] or more fish
[(39)] (40)	COMAR 08.02.05.19B	Daily Catch Limit — Black Bass (Largemouth and Smallmouth): 11[+] or more fish over daily catch limit
[(40)] (41)—[(41)] (42)	(text unchanged)	
[(42)] (43)	COMAR 08.02.05.20A(1)	Size Limits — Tautog: 11[+] or more fish
[(43)] (44)	COMAR 08.02.05.20A(2)	Possessing Tautog in December: 11[+] or more fish
[(44)] (45)	COMAR 08.02.05.20C	Catch Limit— Tautog: 11[+] or more fish over daily catch limit
[(45)] (46)	COMAR 08.02.05.21A(1)	Size Limits — Black Sea Bass: 11[+] or more fish
[(46)] (47)	COMAR 08.02.05.21A(2)	Catch Limit — Black Sea Bass: 11[+] or more fish over daily catch limit
[(47)] (48)	COMAR 08.02.05.22A(1)	Size Limits — Scup: 11[+] or more fish
[(48)] (49)	COMAR 08.02.05.22C(3)	Catch Limit — Scup: 11[+] or more fish over daily catch limit
[(49)](50)—[(71)](72)	(text unchanged)	
[(72)] (73)	COMAR 08.02.05.28A(1)	Size Limits — Walleye: 11[+] or more fish
[(73)] (74)	COMAR 08.02.05.28C(2)	Catch Limits — Walleye: 11[+] or more fish over daily catch limit
(75)	COMAR 08.02.05	Season Violations — Finfish — Tidal Waters: 10 or more fish
[(74)] (76)	(text unchanged)	
(77)	COMAR 08.02.11	Possession of undersized fish: 100% or more of creel limit
[(75)] (78)	(text unchanged)	
[(76)] (79)	COMAR 08.02.15.09A	Daily Catch Limit — Striped Bass — Early Season — Chesapeake: 4[+] or more [Fish] fish over daily catch limit
[(77)] (80)	COMAR 08.02.15.09B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 4[+] or more fish over daily catch limit

PROPOSED ACTION ON REGULATIONS

(81)	COMAR 08.02.15.09C	Daily Catch Limit — Striped Bass — General — Chesapeake: 4 or more fish over daily catch limit
[(78)] (82)	COMAR 08.02.15.09A	Size Limits — Striped Bass — Early Season: 4[+] or more fish
[(79)] (83)	COMAR 08.02.15.09B	Size Limits — Striped Bass — Summer and Fall Season — Chesapeake: 4[+] or more fish
(84)	COMAR 08.02.15.09C	Size Limits — Striped Bass — General — Chesapeake: 4 or more fish
[(80)] (85)	COMAR 08.02.15.10B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 4[+] or more fish over daily catch limit
[(81)] (86)	COMAR 08.02.15.10C	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries : 4[+] or more fish
[(82)] (87)	COMAR 08.02.15.11A	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays: 4[+] or more fish
[(83)] (88)	COMAR 08.02.15.11B	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 4[+] or more fish over daily catch limit
[(84)] (89)	COMAR 08.02.15.08B	Size Limits — Striped Bass — Spring Season: 4[+] or more fish under minimum size
[(85)] (90)	COMAR 08.02.15.08C	Daily Catch Limit — Striped Bass — Spring Season: 4[+] or more fish over daily catch limit
[(86)](91)—[(89)](94)	(text unchanged)	
[(90)] (95)	COMAR 08.02.21.02B	Size Limits — Yellow Perch: 11[+] or more fish
[(91)] (96)	COMAR 08.02.21.02C	Daily Catch Limit — Yellow Perch: 11[+] or more fish
[(92)](97)—[(98)](103)	(text unchanged)	
[(99)]	COMAR 08.02.05	Season Violations — Finfish — Tidal Waters: 10+ fish
(100)	COMAR 08.02.11	Possession of undersized fish: 100% or more of creel limit
(101)	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: 16 or more per bushel]

[I.] H. Any [individual] person who in any 2-year period receives 5 suspensions for violations as described in §§F and G of this regulation may be prohibited from engaging in all recreational fishing activities for 5 years.

[J.] I. Any [individual] person who in any 2-year period receives 3 suspensions for violations as described in §§D and E of this regulation may be prohibited from engaging in all recreational fishing activities [for] for 1 year.

[K.] J. Before the Department imposes a suspension or revocation under this regulation, [an individual] a person is entitled to a contested case hearing upon request in accordance with Natural Resources Article, §4-220, Annotated Code of Maryland.

[L.] K. (text unchanged)

[M.] L. A lesser penalty may be imposed at the Department’s discretion if the circumstances warrant it, to include consideration of the [individual’s] person’s disciplinary record and agreement to comply with any conditions that the Department may reasonably require.

**.08 Charter Boat/Fishing Guide Point Assignment Schedule.**

A. For each conviction of a chargeable violation listed in [§§D—G] §§D—I of this regulation, the Department shall enter on the record of a fishing guide the number of points listed for that particular offence. Points accumulated under this regulation only apply to the entitlement to guide fishing parties or suspension or revocation of a tidal fish license or authorization to guide fishing parties.

B. The number of points specified in [§§D—G] §§D—I of this regulation shall be assessed against a fishing guide for each conviction.

C. (text unchanged)

D. Tier I. The following violations are Tier I violations. A fishing guide who receives a conviction for a Tier I violation receives 5 points.

	STATUTE OR REGULATION	DESCRIPTION
(1) — (32)	(text unchanged)	
(33)	COMAR 08.02.15.08B	Size Limits — Striped Bass[-] — Spring Season: 1 fish under minimum size limit
(34) — (36)	(text unchanged)	
(37)	COMAR 08.02.15.09C	Daily Catch Limit — Striped Bass — General — Chesapeake: 1 fish over daily catch limit
(38)	COMAR 08.02.15.09C	Size Limits — Striped Bass — General — Chesapeake: 1 fish under minimum size limit
[(37)] (39)—[(40)] (42)	(text unchanged)	

E. Tier II. The following violations are Tier II violations. A fishing guide who receives a conviction for a Tier II violation receives 10 points.

	STATUTE OR REGULATION	DESCRIPTION
(1) — (9)	(text unchanged)	
(10)	COMAR 08.02.15.09C	Daily Catch Limit — Striped Bass — General — Chesapeake: 2 fish over daily catch limit
[(10)] (11)—[(13)] (14)	(text unchanged)	
(15)	COMAR 08.02.15.09C	Size Limits — Striped Bass — General — Chesapeake: 2 fish under minimum size limit or over maximum size limit
[(14)] (16)—[(46)] (48)	(text unchanged)	

F. Tier III. The following violations are Tier III violations. A fishing guide who receives a conviction for a Tier III violation receives 15 points.

	STATUTE OR REGULATION	DESCRIPTION
(1) — (20)	(text unchanged)	
(21)	COMAR 08.02.15.09C	Daily Catch Limit — Striped Bass — General — Chesapeake: 3 fish over daily catch limit
[(21)] (22)—[(24)] (25)	(text unchanged)	
(26)	COMAR 08.02.15.09C	Size Limits — Striped Bass — General — Chesapeake: 3 fish under minimum size limit or over maximum size limit
[(25)] (27)—[(85)] (87)	(text unchanged)	

G. Tier IV. The following violations are Tier IV violations. A fishing guide who receives a conviction for a Tier IV violation receives 20 points.

(1)	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: 16—20 per bushel
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H. Tier V. The following violations are Tier V violations. A fishing guide who receives a conviction for a Tier V violation receives 25 points.

((1))	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: 21—25 per bushel
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[G.] I. Tier [IV.] VI. The following violations are Tier [IV.] VI violations. A fishing guide who receives a conviction for a Tier [IV.] VI violation receives 30 points.

	STATUTE OR REGULATION	DESCRIPTION
(1)	(text unchanged)	
(2)	[4-503 points assessed for all violations] 4-210.1	[Dynamiting Streams] <i>Unlicensed Commercial Fishing Guide (Nontidal)</i>
(3)	[4-210.1] 4-503 points assessed for all violations	[Unlicensed Commercial Fishing Guide (Non-Tidal)] <i>Dynamiting Streams</i>
(4) – (6)	(text unchanged)	
(7)	COMAR 08.02.03.14	Possession of Undersized Hard Crabs: 26 or more per bushel
[(7)](8)—[(17)](18)	(text unchanged)	
[(18)] (19)	COMAR 08.02.15	Possession of [Stripped] Striped Bass During a Closed Season
[(19)](20)—[(22)](23)	(text unchanged)	
(24)	COMAR 08.02.15.09C	Daily Catch Limit — Striped Bass — General — Chesapeake: 4 or more fish over daily catch limit
[(23)](25)—[(26)](28)	(text unchanged)	
(29)	COMAR 08.02.15.09C	Size Limits — Striped Bass — General — Chesapeake: 4 or more fish under minimum size limit or over maximum size limit
[(27)](30)—[(42)](45)	(text unchanged)	

JOHN R. GRIFFIN  
Secretary of Natural Resources

# Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

## Subtitle 14 STATE ATHLETIC COMMISSION

### 09.14.04 Safety and Health Standards for Contestants

Authority: Business Regulation Article §§4-205, 4-304, 4-304-1, 4-310, 4-314, and 4-315, Annotated Code of Maryland

#### Notice of Proposed Action [13-054-P]

The State Athletic Commission proposes to amend Regulation .12 under COMAR 09.14.04 Safety and Health Standards for Contestants. This action was considered by the State Athletic

Commission at a public meeting held on November 28, 2012, notice of which was given by publication in the Maryland Register, pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to change the weight classifications for 8 ounce gloves for female boxers and female kickboxers from less than 160 pounds to less than 148 pounds. Such action would be consistent with the Regulatory Guidelines of the Association of Boxing Commissions (ABC) and the regulations of other states.

The purpose of this action also is to change the weight classifications for 10 ounce gloves for female boxers and female kickboxers from 160 pounds or greater to 148 pounds or greater. Such action would be consistent with the Regulatory Guidelines of the Association of Boxing Commissions (ABC) and the regulations of other states.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Patrick Pannella, Executive Director, State Athletic Commission, 500 North Calvert Street, Room 304, Baltimore, Maryland 21202, or call 410-230-6223, or email to ppannella@dllr.state.md.us, or fax to 410-333-6314. Comments will be accepted through March 25, 2013. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the State Athletic Commission during a public meeting to be held on March 28, 2013 at 2 p.m., at 3rd Floor Conference Room (South), 500 North Calvert Street, Baltimore, Maryland 21202.

**.12 Female Contestant.**

A. (text unchanged)

B. The following requirements for a female contestant are in addition to the requirements under §A of this regulation:

(1)—(9) (text unchanged)

(10) Gloves used in the contest shall be:

(a) 8 ounces for weight classifications less than [160] 148 pounds; and

(b) 10 ounces for weight classifications [160] 148 pounds or greater.

C.— D. (text unchanged)

PATRICK PANNELLA  
Executive Director  
State Athletic Commission

**Subtitle 14 STATE ATHLETIC COMMISSION**

**09.14.05 Boxing and Kickboxing Facilities and Equipment**

Authority: Business Regulation Article, §4-205(c)(2), Annotated Code of Maryland

**Notice of Proposed Action**

[13-051-P]

The State Athletic Commission proposes to amend Regulation .01 under **COMAR 09.14.05 Boxing and Kickboxing Facilities and Equipment**. This action was considered by the State Athletic Commission at a public meeting held on November 28, 2012, notice of which was given by publication in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to reduce the minimum amount of square footage allowed within a boxing or kickboxing ring from 18 square feet to 16 square feet while retaining the maximum amount of square footage allowed within a boxing or kickboxing ring. Such action would be consistent with the Regulatory Guidelines of the Association of Boxing Commissions (ABC) and the regulations of other states.

The purpose of the action also is to reduce the minimum amount of footage required for a ring platform from three feet to two feet beyond the ring ropes which also would be consistent with the

Regulatory Guidelines of the Association of Boxing Commissions (ABC) and the regulations of other states.

These regulatory amendments will enable licensed promoters to conduct sanctioned boxing and kickboxing events in the State of Maryland utilizing boxing and kickboxing rings which are used in other boxing and kickboxing jurisdictions in the United States.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The State Athletic Commission estimates that there will be an immediate increase in professional boxing events held in the State of Maryland as a result of these proposed amendments. It is estimated that at least four to five additional professional boxing events will be held in Maryland in the first year as a result of these proposed amendments.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
(1) License Fees	(R+)	Indeterminable
(2) Per Diem Staff	(E+)	\$5,4000 to \$6,750
B. On other State agencies:	(R+)	\$6,000
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude

D. On regulated industries or trade groups: NONE

E. On other industries or trade groups:

Vendors for Promoters Holding Boxing Events (+) \$40,000 to \$50,000

F. Direct and indirect effects on public:

Boxers Residing in the State of Maryland (+) \$24,000 to \$30,000

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A(1). There will be license fees collected, and licenses issued, for boxers, managers, and seconds at each of the four to five additional professional boxing events projected to be held in the State of Maryland in the first year.

A(2). There will be additional staff expenditures for the per diem inspectors, judges, physicians and referees assigned to work each of the four to five additional professional boxing events projected to be held in the State of Maryland in the first year.

B. The Office of the Maryland Comptroller collects a “Boxing and Wrestling Tax” for events sanctioned by the State Athletic Commission. It is projected that the “Boxing and Wrestling Tax” collected from the four to five additional boxing events to be held in the State of Maryland in the first year will be upwards of \$6,000.00. All “Boxing and Wrestling Tax” monies collected are allocated for the General Fund.

E. Excluding paying for boxers' purse monies, promoters will spend at least \$10,000.00 locally on each of the four to five additional professional boxing events projected to be held in the State of Maryland in the first year to pay for event-related expenses such as venue rental, advertising, hotel rooms, travel, food, medical tests, security, printing of tickets, etc..

F. At least half of the boxers who will be competing in the additional four to five boxing events to be held in the State of Maryland are boxers who reside in Maryland and who will be receiving purse monies. The amounts listed are based on an average \$1,000.00 purse earned by a boxer competing in a boxing contest.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Promoters may profit from each of the four to five additional professional boxing events projected to be held in the State of Maryland in the first year. Promoters will spend upwards of \$10,000.00 locally on each of the four to five additional professional boxing events projected to be held in the State of Maryland in the first year to pay for event-related expenses such as venue rental, advertising, hotel rooms, travel, food, medical tests, security, printing of tickets, etc.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Patrick Pannella, Executive Director, State Athletic Commission, 500 North Calvert Street, Room 304, Baltimore, Maryland 21202, or call 410-230-6223, or email to ppannella@dllr.state.md.us, or fax to 410-333-6314. Comments will be accepted through March 25, 2013. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the State Athletic Commission during a public meeting to be held on March 28, 2013 at 2 p.m., at 3rd Floor Conference Room (South), 500 North Calvert Street, Baltimore, Maryland 21202.

**.01 Boxing or Kickboxing Ring.**

A. A boxing or kickboxing ring shall meet the following requirements:

(1) The boxing or kickboxing ring may not be less than [18] 16 feet square [,] or more than 24 feet square within the ring ropes;

(2) The platform shall extend beyond the ropes for a distance of at least [3] 2 feet;

(3)—(7) (text unchanged)

B.—C. (text unchanged)

PATRICK PANNELLA  
Executive Director  
State Athletic Commission

**Subtitle 14 STATE ATHLETIC COMMISSION**

**09.14.05 Boxing and Kickboxing Facilities and Equipment**

Authority: Business Regulation Article, § 4-205, Annotated Code of Maryland

**Notice of Proposed Action**

[13-055-P]

The State Athletic Commission proposes to amend Regulation .03 under **COMAR 09.14.05 Boxing and Kickboxing Facilities and Equipment**. This action was considered by the State Athletic Commission at a public meeting held on November 28, 2012, notice of which was given by publication in the Maryland Register in accordance with State Government Article, §16-501(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to change the weight classifications for 8 ounce gloves from less than 160 pounds to less than 148 pounds. Such action would be consistent with the Regulatory Guidelines of the Association of Boxing Commissions (ABC) and the regulations of other states.

The purpose of this action also is to change the weight classifications for 10 ounce gloves from 160 pounds or greater to 148 pounds or greater. Such action also would be consistent with the Regulatory Guidelines of the Association of Boxing Commissions (ABC) and the regulations of other states.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Patrick Pannella, Executive Director, State Athletic Commission, 500 North Calvert Street, Room 304, Baltimore, Maryland 21202, or call 410-230-6223, or email to ppannella@dllr.state.md.us, or fax to 410-333-6314. Comments will be accepted through March 25, 2013. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the State Athletic Commission during a public meeting to be held on March 28, 2013 at 2 p.m., at 3rd Floor Conference Room (South), 500 North Calvert Street, Baltimore, Maryland 21202.

**03 Gloves.**

A. General.

(1)—(4) (text unchanged)

(5) Glove weights shall be:

(a) 8 ounces for weight classifications less than [160] 148 pounds; and

(b) 10 ounces for weight classifications [160] 148 pounds or greater.

(6)—(7) (text unchanged)  
 B.—E. (text unchanged)

PATRICK PANNELLA  
 Executive Director  
 State Athletic Commission

**Subtitle 15 BOARD OF HEATING,  
 VENTILATION, AIR-CONDITIONING,  
 AND REFRIGERATION  
 CONTRACTORS**

**09.15.05 Compliance with International  
 Mechanical Code**

Authority: Business Regulation Article, §9A-205, Annotated Code of Maryland

**Notice of Proposed Action**  
 [13-052-P-I]

The Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors proposes to amend Regulations .01 — .03 under **COMAR 09.15.05 Compliance with International Mechanical Code**. This action was considered at a public meeting of the Board held on June 13, 2012, notice of which was given by publication in 39:11 Md. R. 729 (June 1, 2012), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to incorporate by reference the 2012 International Mechanical Code and the 2012 International Residential Code for One- and Two-Family Dwellings. The Board further proposes to adopt revised Maryland modifications and additional provisions to the International Mechanical Code.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Patricia McCray, Administrative Officer, Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, 500 North Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6159, or email to pmccray@dllr.state.md.us, or fax to 410-333-6314. Comments will be accepted through April 5, 2013. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors during a public meeting to be held on April 10, 2013, at 500 North Calvert Street, Baltimore, MD 21202.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2012 International Mechanical Code and the 2012 International Residential Code for One- and Two-Family Dwellings have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 40:1 Md. R. 9 (January 11, 2013), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.01 Incorporation by Reference.**

A. In this chapter, the following [document is] *documents are incorporated by reference*[.]:

(1) *2012 International Mechanical Code (International Code Council, 500 New Jersey Ave., N.W., 6th Floor, Washington, D.C. 20001), which has been incorporated by reference in COMAR 05.02.01.02-1B(5), except as modified by Regulation .02 of this chapter; and*

(2) *2012 International Residential Code for One- and Two-Family Dwellings (International Code Council, 500 New Jersey Ave., N.W., 6th Floor, Washington, D.C. 20001), which has been incorporated by reference in COMAR 05.02.01.02-1B(4) except Chapters 1-11 and 25-44.*

[B.] (proposed for repeal)

[C.] B. (text unchanged)

**.02 Modifications to the International Mechanical Code.**

A. (text unchanged)

B. Add note to Chapter 1, §101.3: If a conflict arises as to methods of installation, maintenance, and repair under this Code, [generally accepted trade practices shall be implemented] *the manufacturer’s operation and installation manual or instructions shall govern.*

C. Sections Omitted.

(1) Chapter 1, omit sections:

(a) §103.1—4 (entirely) Department of Mechanical Inspection[s];

(b) §104.1—[.8] .7 (entirely) Duties and Powers of the Code Official[s];

(c) §105.1—[.4] .5 (entirely) Approval;

(d) §106.1—5.3 (entirely) Permits;

(e) §107.1—6 (entirely) Inspections and Testing;

(f) §108.1—7.3 (entirely) Violations; [and]

(g) §109.1—7 (entirely) Means of Appeal[.] and

(h) §110.1—4 (entirely) *Temporary Equipment, systems and Uses.*

(2) Chapter 9, omit sections:

(a) §902.1 (entirely) Masonry Fireplaces;

(b) §903.1—3 (entirely) Factory-Built Fireplaces;

(c) §904.1 (entirely) Pellet Fuel-Burning Appliances;

(d) §906.1 (entirely) Factory-Built Barbecue Appliances;

(e) §914.1—5.1 (entirely) Sauna Heaters;

(f) §923.1—1.1 (entirely) Small Ceramic Kilns; and

(g) §925.1 (entirely) Masonry Heaters.

D. Add note to Chapter 3, [§301.11.1] §301.14.1: Temporary repairs may not be made to a damaged heat exchanger.

E. Add note to Chapter 3, §306.3: Air-handling units and water heaters installed in attics [in residential structures] shall be accessible by an opening in accordance with subsections (1) and (2) of this note, below:

(1) Access to the attic opening shall be provided by a permanent or pull-down stairway in all new construction. In existing installations, portable ladders shall be acceptable.

(2) The passageway from the attic opening to the equipment may exceed 20 feet, subject to job conditions and approval by the local authority.

[F.] — [H.] (proposed for repeal)

**.03 [Additional] Provisions Added to the International Mechanical Code.**

A. Assessment of Fees and Penalties. Fees or penalties to be assessed under the 2012 International Mechanical Code[2000] provisions shall be determined by the administrative authority for each subdivision.

B. Requirements for Plans and Specifications.

(1) Plans and specifications for the installation of all heating, ventilation, air-conditioning, or refrigeration systems shall:

(a) Be approved by a licensed Maryland HVACR master, HVACR master restricted licensed for the system being installed, or a Maryland licensed professional engineer [or architect]; and

(b) Have affixed to them the name and license number of the Maryland HVACR master, HVACR master restricted licensed for the system being installed, or Maryland licensed professional engineer [or architect].

(2) [For installations other than one-family and two-family dwellings, adequate] Adequate details of mechanical and electrical work, including computations, diagrams, and other essential technical data, shall be filed. All engineering plans and computations shall bear the signature and license number of the licensed engineer[, architect, or mechanical licensee] responsible for the design. [For one-family and two-family dwellings, a residential heat gain and loss load calculation, for example, Manual J or its equivalent, shall be filed for new installations. For replacement of a condensing unit, air-handling unit, furnace, or boiler in an existing HVACR system in one-family and two-family dwellings, documentation is required. The document shall reflect the calculations by which the sizing of the equipment installed was determined. A signed and dated copy of this document shall be retained by the contractor and a copy shall be left with the homeowner upon completion of the work. Plans shall indicate how required structural and fire resistance rating integrity will be maintained, and where penetrations will be made for electrical, mechanical, plumbing, and communication conducts, pipes, and systems.]

C. Permits for Temporary Installations. A temporary permit is required for mechanical equipment to be installed for a period not to exceed 6 months and shall be issued by the local subdivision where the installation occurs. The permit may be extended for a 6-month period by the local subdivision.

[D.] — [F.] (proposed for repeal)

JAMES JOHNSON  
Chairman

Board of Heating, Ventilation, Air-conditioning  
and Refrigeration Contractors

**Subtitle 20 BOARD OF PLUMBING**

**09.20.01 State Plumbing Code**

Authority: Business Occupations and Professions Article, §§ 12-205 and 12-207, Annotated Code of Maryland

**Notice of Proposed Action**

[13-053-P-I]

The State Board of Plumbing proposes to amend Regulations .01 and .02 and to adopt new Regulation .04 under COMAR 09.20.01 State Plumbing Code. This action was considered at a public meeting of the Maryland Board of Plumbing held on November 15,

2012, notice of which was given by publication in 39:22 Md. R. 1473 (Nov. 2, 2012), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to incorporate by reference the 2012 National Standard Plumbing Code Illustrated, the 2012 National Fuel Gas Code (ANSI Z223.1, NFPA 54), and the 2011 Liquefied Petroleum Gas Code (NFPA 58). The Board further proposes to adopt revised Maryland modifications to the National Standard Plumbing Code Illustrated and the National Fuel Gas Code, ANSI Z223.1, NFPA 54.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Steven Smitson, Executive Director, Board of Plumbing, Department of Labor, Licensing and Regulation, 500 North Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6169, or email to ssmits@dllr.state.md.us, or fax to 410-333-6314. Comments will be accepted through April 15, 2013. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by Board of Plumbing during a public meeting to be held on April 18, 2013, at 500 North Calvert Street, Baltimore, MD 21202.

**Editor’s Note on Incorporation by Reference**

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, Liquefied Petroleum Gas Code, NFPA 58 (2011 Edition); National Fuel Gas Code, ANSI Z223.1, NFPA 54 (2012 Edition); and 2012 National Standard Plumbing Code Illustrated (Plumbing-Heating-Cooling Contractors — National Association) have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories was published in 40:1 Md. R. 9 (January 11, 2013), and is available online at www.dsd.state.md.us. These documents may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.01 Incorporation by Reference.**

A. (text unchanged)

B. Documents Incorporated.

(1) [2006] 2012 National Standard Plumbing Code Illustrated (National Association of Plumbing-Heating-Cooling Contractors).

[(2) 2007 Supplement to the 2006 National Standard Plumbing Code (National Association of Plumbing-Heating-Cooling Contractors).]

[(3)](2) National Fuel Gas Code, ANSI Z223.1, NFPA 54, [2006] 2012 Edition.

[(4)](3) Liquefied Petroleum Gas Code, NFPA 58, [2004] 2011 Edition.

**.02 Modifications to the National Standard Plumbing Code Illustrated.**

A. (text unchanged)

B. Basic Principles Section.

(1)—(3) (text unchanged)

(4) Add a new Principle No. 23—INSTALLATION OF GAS APPLIANCES GAS PIPING, which shall read: “All installations of gas appliances gas piping shall conform to requirements contained in the codes promulgated by the National Fire Protection Association, ANSI, National Fuel Gas Code, Z223.1, NFPA 54, [2006] 2012, and the Liquefied Petroleum Gas Code, NFPA 58, [2004] 2011, which are incorporated by reference.”

C. Chapter 1 DEFINITIONS—Section 1.2 DEFINITION OF TERMS.

(1) (text unchanged)

(2) On page [34] 35, insert a new definition after the definition of “Flushometer Valve”. The new defined term is: “Frostproof Closet: A hopper with no water in the bowl and with the trap and water supply control valve located below the frost line.”

(3) On page [36] 37, insert a new definition after the definition of “House Trap”. The new defined term is: “Incidental Plumbing Services: Repair of faucets, ball-cock valves, and shutoff valves; cleaning of choked drain lines and repairing of minor leaks. Incidental Plumbing Services does not include replacement of any plumbing fixture, new installation, or any work, including repairs of faucets, ball-cock valves, and shutoff valves, cleaning of choked drain lines, and repairing of minor leaks, that requires a permit from a local administrative authority.”

(4) On page [37] 38, insert a new definition after the definition of “Individual Vent”. The new defined term is: “Individual Water Supply: A supply other than an approved public water supply which serves one or more families.”

(5) On page [40] 42, insert a new definition after the definition of “Medical Vacuum Systems”. The new defined term is: “Minor Repair Services: Repair or replacement of faucets, ball-cock valves, and shut-off valves; cleaning of choked drain lines; and repairing leaks in piping and fixtures that do not require changes in sizes, types of materials, or pipe configuration. Minor Repair Services does not include complete replacement of any plumbing fixture, new installation, or any work described in this paragraph if a permit is required from the local administrative authority.”

(6) On page [43] 45, insert at the end of the definition “Plumbing System”, the language, “within the property line.” Add this sentence to the end of the definition: “It does not include the mains of a public sewer system or private or public sewage treatment or disposal plant outside the property line.”

(7) On page [47] 50, insert a new definition after the definition “Sanitary Sewer”. The new defined term is: “Scavenger: Any person engaged in the business of cleaning and emptying septic tanks, seepage pits, privies, or any other sewage disposal facility.”

(8) On page [47] 50, insert a new definition after the definition “Seepage Well or Pit”. The new defined term is: “Separator: See Interceptor”.

(9) On page [55] 58, insert a new definition after “Vacuum Breaker, Spillproof”. The new definition is: “Vacuum Intake: A vacuum intake has no trap or mechanical device to keep gasses from leaving the sewer line. An intake is a vertical pipe installed to provide circulation of air to the drainage system. No intake terminal shall be located directly beneath any door, window or other ventilating opening of the building or of an adjacent building, nor shall any such intake terminal be within 10 feet horizontally of such an opening unless it is at least 2 feet above the top of such opening.”

D. Chapter 3 MATERIALS.

(1) On page [85] 89, under Section 3.1 MATERIALS, add new Subsection [3.1.5] 3.1.6 which would be defined as:

“[3.1.5.] 3.1.6 Adoption of Uniform Color

[a. Refer to 10.2 Identification of Potable and Non-Potable Water.

b.] All subsurface pipes must be permanently marked or completely colorized for easy identification as follows:

[(i) a. YELLOW—gas, oil, steam, petroleum, or gaseous materials;

[(ii) b. BLUE—water;

[(iii) LAVENDER] c. PURPLE—reclaimed water.”

(2) On page [91] 95, under Section 3.12 ALTERNATE MATERIALS AND METHODS, add the following subsection:

“3.12.6 Fire Rating

a. All pipe penetrating a fire-rated wall or ceiling shall meet the integrity of the wall or ceiling.

b. Conformance to this requirement shall be evidenced by a test report from a nationally recognized fire testing laboratory.”

E. Chapter 5 TRAPS [AND CLEANOUTS], CLEANOUTS AND BACKWATER VALVES.

On page [135] 143, in Section 5.1 SEPARATE TRAPS FOR EACH FIXTURE, paragraph d[(2).] (3), add the words: “, one compartment is not more than 6 inches deeper than the other, and neither outlet is equipped with a food-waste grinder”, after the word [“apart”] “inlet”.

F. Chapter 6 LIQUID WASTE TREATMENT EQUIPMENT.

(1) On page [152] 160, in Section 6.1.7 Point of Discharge, delete the only sentence and replace it with:

“a. In a structure where a public sanitary sewer is available, the waste pipe from oil and sand interceptors shall discharge, if installed, into the public sanitary sewer, or any more restrictive manner as otherwise mandated by an applicable [Administrative Authority] Adopting Agency.

b. New Construction

1. Any new construction of a structure, where public sanitary sewers are not available, shall have the option to either:

(i) Construct the structures without any floor drains; structures without floor drains must operate to minimize waste and prevent wastewater from leaving the shop area and discharging to the environment; or

(ii) If drains are included, ensure that each drain shall flow into an approved sand interceptor which shall drain into a 1,000 gallon or larger approved holding tank.

2. An oil and water separator is not required when the waste discharges into a holding tank.

c. Existing Structures

1. In areas where public sanitary sewers are not available, existing structures that are being renovated or enlarged shall either:

(i) Permanently plug all existing floor drains; structures which plug their floor drains must notify the Maryland Department of Environment, Ground Water Permits Program, prior to drain closure, and must operate to minimize waste and prevent wastewater from leaving the shop area and discharging to the environment; or

(ii) Retrofit all existing floor drains so as to allow them to flow into an approved sand interceptor which shall drain into a 1,000 gallon or larger approved holding tank.

2. An oil and water separator is not required when the waste discharges into a holding tank.

d. If an underground tank is installed, it shall be corrosion protected and designed according to COMAR 26.10.03.

e. Any new construction of a structure or renovation of an existing structure which discharges liquid wastes as described in Section 6.1.1 of this code or which discharges other industrial waste waters shall have the option of discharging into an on-site subsurface

disposal system, providing the facility’s owner/operator applies for and obtains from the Maryland Department of the Environment a water discharge permit issued pursuant to the provisions and conditions of COMAR 26.08.01—26.08.04.”

(2) On page [155] 165, in Section 6.2 GREASE INTERCEPTORS [(If Required)], add a new subsection:

“[6.2.9] 6.2.13 Commercial Buildings, a grease interceptor is not required in restaurants, hotel kitchens, bars, factory cafeterias or restaurants, clubs, or other similar establishments, except in special cases as may be determined by the local [Administrative] Authority Having Jurisdiction.”

G. Chapter 7 PLUMBING FIXTURES, FIXTURE FITTINGS AND PLUMBING APPLIANCES.

(1) On page [167] 174, in Subsection 7.4.5 Water Closet Seats, add a new paragraph: “a. A closed front seat may be installed on an elongated bowl in a single family residence”.

(2) On page [184] 192, in Section 7.21 MINIMUM NUMBER OF REQUIRED FIXTURES, Subsection 7.21.4 Separate Facilities, add the following after [#4] EXCEPTION (4):

“[5a.] (5)a. In new construction for assembly and mercantile occupancies, an accessible unisex toilet may be provided where an aggregate of six or more male or female water closets are required. In buildings of mixed occupancy, those water closets required for the assembly or mercantile portion of the occupancy would be used to determine the ability to make use of the unisex toilet room option. The inclusion of the one accessible unisex toilet room shall be allowed to replace both one male and one female toilet.

b. Unisex toilet rooms shall comply with this section and the requirements for accessible toilet rooms as per standards prescribed in COMAR 05.02.02 Maryland Accessibility Code.

c. Unisex toilet rooms shall include only one water closet and only one lavatory.

d. Unisex toilet rooms shall be located on an accessible route. Unisex toilet rooms shall be located not more than one story above or below separate-sex toilet rooms. The accessible route from any separate-sex toilet rooms to a unisex toilet room shall not exceed 500 feet/152.4m.

e. Unisex toilet rooms shall be designated by accessible signs. Directional signage shall be provided at all separate-sex toilet rooms indicating the location of the nearest unisex toilet room.”

H. Chapter 9 INDIRECT WASTE PIPING AND SPECIAL WASTE.

On page [207] 215, add a new subsection:

“9.4.4 REFRIGERATION WASTE

If required, refrigeration waste pipes may not be smaller than shown in the following:

a. 1 1/4 inch: 1 inlet serving not more than 100 cubic feet of refrigeration space;

b. 2 inch: 4 to 12—1 1/4 inch inlets or the equivalent refrigeration space;

c. 3 inch: 13 to 36—1 1/4 inch inlets or the equivalent refrigeration space.”

I. Chapter 10 WATER SUPPLY AND DISTRIBUTION.

(1) On page [212] 219, in Section 10.4 PROTECTION OF POTABLE WATER SUPPLY, Subsection 10.4.9, delete the heading and explanation in its entirety and insert a new heading “Water Heaters Used for Space Heating”, and insert the following :

“a. The installation of any system or equipment utilizing water heaters to provide heat must be installed by a person who is licensed to perform the work in Maryland and who has obtained the necessary local permits for such installations.

b. This section is applicable to:

1. A combination heating system, which is installed as a unit and incorporates a water heater as an integral part of the system, to provide the primary heat source to the dwelling;

2. Pieces of equipment sold as an add-on to an existing heating system for the purpose of providing supplemental heat, and is attached to a water heater containing water which may later be expected to be used as potable water.

c. All installations shall comply with the following:

1. Combination water/space heating equipment, materials and components shall be suitable for use with potable water and listed for such use;

2. Water heaters, piping and components connected for a space heating application shall be properly sized and installed according to manufacturer’s instructions;

3. Water heaters used in combination water/space heating systems shall be listed as complying with American National Standards (ANSI) Z21.10.1, Z21.10.3 or UL732, as applicable;

4. A water temperature control valve shall be installed with every installation utilizing a combination water heating/space heating system application to limit domestic hot water temperature safe for ordinary domestic use by individuals;

5. The installer must disinfect and certify the water system whenever required by the Administrative Authority under §10.9 of this Code;

6. The system shall be equipped with a means for periodic circulation between the water heater and the exchanger during off seasons;

7. An acceptable means shall be provided to prevent thermal circulation through the exchanger during off seasons, except circulation necessary to comply with subparagraph (6);

8. A copy of the documentation to support the requirements of these subparagraphs shall be available for an inspector’s review during inspections and shall remain with the unit;

9. For all such devices used in Maryland, an informational sheet shall be provided that outlines all of the requirements of this subsection.”

(2) On page [212] 219, in Section 10.4 PROTECTION OF POTABLE WATER SUPPLY, add a new subsection:

“10.4.10 Prohibited Connections to Fixtures and Equipment

a. Connection to the potable water supply system for the following shall be protected against backflow:

1. Operating, dissection, embalming and mortuary tables or similar equipment; in these installations, the hose used for water supply shall terminate at least 12 inches away from every point of the table or attachments;

2. Water closets equipped with flushometer valves or with flushing tanks with submerged float operated ball-cocks;

3. Seat-acting water closets;

4. Bed pan washers;

5. Bidets;

6. Sterilizers with water supply connections;

7. Therapeutic baths with inlets below the rim of the fixture;

8. Water operating waste ejectors, such as used by dentists, undertakers and those who practice colonic irrigation;

9. Bathtubs with inlets below the rim of the fixture;

10. Wash basins with inlets below the rim of the fixture;

11. Bar, soda fountain, or other sinks with submerged inlets;

12. Laundry trays with faucets below the rim;

13. Sinks with faucets or water inlets below the rim and sinks with loose hose connections;

14. Dishwashing sinks or machines with water inlets below the rim;

15. Cuspidors with water supply connections;

16. Dental cuspidors with water supply connections;

17. Hospital appliances generally, such as sterilizers, condensers, filters, stills, pipette washers, aspirators, and washers;

18. Frostproof hydrants with underground bleed or automatic livestock watering devices;

19. Industrial vats, tanks, etc. of any description which have an inverted water supply connection, or a water supply connection below the top of the spill rim, or in which a hose filler is used;

20. Industrial water supplied process appliances with direct water connections;

21. A rubber hose with hand control or self-closing faucets attached, as used in connection with baths, industrial vats, tanneries, etc.;

22. Pressure water supplied sealing rings on sewage and sludge pumps;

23. Water supply for priming connections;

24. Water supply (hot or cold) to laundry equipment;

25. Condenser cooling connections for refrigeration and air conditioning machinery;

26. Drains from fire sprinklers connected directly to sewers or wastes;

27. Steam tables;

28. Condensers;

29. Stills;

30. Aspirators;

31. Chlorinators;

32. Photographic developing tanks;

33. Laboratory water faucets and cocks with serrated nipples or hose connections; and

34. Any other fixture or installation creating a similar hazard.

b. Fixture inlets or valved outlets with hose attachments which may constitute a cross-connection shall be protected by an approved vacuum breaker installed at least 6 inches above the highest point of usage and located on the discharge side of the last valve. Fixtures with integral vacuum breakers manufactured as a unit may be installed in accordance with their approval requirements.”

(3) On page [212] 219, in Section 10.4 PROTECTION OF POTABLE WATER SUPPLY, add a new subsection:

“10.4.11 Used Water Return

Water used for cooling of equipment or other processes may not be returned to the potable water system. The water shall be discharged into a drainage system through an air gap or may be used for nonpotable purposes on written approval of the Administrative Authority.”

(4) On page [228] 235, in Subsection 10.8.6 Tank Drain Pipes, add the following Table 10.8.6 to this paragraph: “SIZE OF DRAINPIPES FOR WATER TANKS”

“SIZE OF DRAINPIPES FOR WATER TANKS

Tank Capacity (gallons)	Drain Pipe (inches)
up to 750	1
751 to 1500	1-1/2
1501 to 3000	2
3001 to 5000	2-1/2
5001 to 7500	3
over 7500	4”

(5) On page [229] 236, in Section 10.10 WATER SUPPLY SYSTEM MATERIALS, add a new subsection:

“10.10.1 Water Service Pipe

Copper tube when used underground may not be less than type L. All threaded ferrous pipe and fittings shall be galvanized or cement lined, and, when used underground in corrosive soil or filled ground, shall be coal-tar enamel coated, or its equivalent, and threaded points shall be coated and wrapped when installed.”

(6) On page [247] 255, in Section 10.16 SAFETY DEVICES FOR PRESSURE VESSELS, Subsection 10.16.6, add a new

paragraph: “h. All water heaters, first floor and above, shall have a pan with a drain to an approved drainage point, unless a variance is granted by the local [Administrative] Authority *Having Jurisdiction*.”

J. Chapter 11 SANITARY DRAINAGE SYSTEMS.

On page [251] 261, [add a new subsection: 11.2.4 Building Sewer Size] in Section 11.2 Building Sewers and Building Drains, Subsection 11.2.3 Building Sewer and Building Drain Size, add a new sentence after “11.5.1A”: “The minimum size of the building sewer shall be [4] 3 inches.”

[K. Chapter 12 VENTS AND VENTING.

(1) On page 296, in Section 12.11 STACK VENTING, add a new subsection:

“12.11.3 Maryland Additional Requirements.”

a. Stack venting may be used in any building that cannot have more than three-story levels of plumbing fixtures.

b. Fixture unit loading capacities may not exceed one-half of the capacities listed in Table 11.5.1A and Table 11.5.1B.

c. Each trap arm shall be individually connected into the stack or horizontal line, and the maximum length of the trap arm may not exceed 5 feet. Side inlet connections into a 4-inch closet bend shall be accepted as individual connections.

d. Entrance fittings from a stack into a horizontal line shall have the equivalent sweep and radius of two 45 degree fittings with 1 foot of pipe between the fittings, or the fittings shall have a radius of two times the nominal pipe diameter. The vertical portion of the line shall be completely outside the junction area that turns horizontal.

e. Entrance fittings into a stack or in a change of direction from horizontal to vertical, horizontal to horizontal shall have a minimum radius of one pipe diameter of the upstream horizontal pipe.

f. When all of the plumbing fixtures can only be on one story level, the stack or horizontal drain can receive all of the permitted fixture unit capacity.

g. When the plumbing fixtures can be on two story levels, the maximum fixture unit load on each possible story level may not exceed one half of the total permitted fixture unit capacity.

h. When the plumbing fixtures can be on three story levels, the maximum fixture unit load on each possible story level may not exceed one third of the total permitted fixture unit capacity.

i. The minimum size building drain and extensions to the base of all stacks shall be 4 inches.

j. Offsets in stacks greater than at a 45 degree angle are not permitted unless all piping from the start of the offset is increased one pipe size.

k. Fixtures for clothes washing and washing machines shall be installed only on the lowest story level.

l. Fixtures other than another water closet may not be installed downstream from a water closet unless there is a 5 foot length of pipe without any fixture connections before the next fixture is connected.

m. All stacks shall continue undiminished in size through the roof.

n. There may not be any fixtures connected within 5 feet downstream or 3 feet upstream from the junction of a vertical line with a horizontal line.

o. The fitting at the junction of a vertical line with a horizontal line shall be full size of the horizontal line to the point where the line is 90 degrees from a horizontal plane.

p. In order to permit variations and effective use of other sections of this code, additional venting may be permitted by the local Administrative Authority. This venting may consist of venting the base of the stack, or other venting, into the building drain, at least 5 feet downstream or upstream from any other connection. Venting may also be permitted into a stack at least 5 feet downstream or upstream from any other connection.”]

[L.] K. Chapter 15 TESTS AND MAINTENANCE. On page [333] 342, in Section 15.6 METHODS OF TESTING WATER SUPPLY SYSTEM, add a new subsection [d.] e. containing the following sentence: "The local [Administrative] Authority Having Jurisdiction will resolve situations that create hardships or potential damage to plumbing systems during testing."

[M.] L. Chapter 16 REGULATIONS GOVERNING INDIVIDUAL SEWAGE DISPOSAL SYSTEMS FOR HOMES AND OTHER ESTABLISHMENTS WHERE PUBLIC SEWAGE SYSTEMS ARE NOT AVAILABLE. Delete [the heading and] all sections of this chapter in its entirety on pages 345—358. Insert [a new heading "SEWAGE DISPOSAL AND CERTAIN WATER SYSTEMS FOR HOMES AND OTHER ESTABLISHMENTS IN THE COUNTIES OF MARYLAND WHERE A PUBLIC SEWAGE SYSTEM IS NOT AVAILABLE", and insert] below the heading "Refer to COMAR 26.04.02".

[N.] M. Chapter 18 MOBILE HOME AND TRAVEL TRAILER PARK PLUMBING [STANDARDS] REQUIREMENTS. On page [363] 371, in Subsection [18.4.2 RESERVED] 18.4.9, change the section heading, "Wet Vented Branch Drain Lines" to ["WET VENTING"] "Wet Venting", insert "a." before "No", and add the following paragraphs:

"[a.] b. The drainage system of a utility or other building may not discharge into a wet-vented line. A house sewer may not discharge into a wet-vented line.

[b.] c. A house sewer or part of a house sewer may not function as a wet-vent."

[O.] N. Add a new Chapter 19 INSTALLATION OF GAS APPLIANCES AND GAS PIPING[.

], new Subsection 19.1 REQUIREMENTS FOR THE INSTALLATION OF GAS APPLIANCES AND GAS PIPING[.] along with the following paragraph:

The requirements contained in the National Fire Protection Association, ANSI, National Fuel Gas Code, Z223.1, NFPA 54, [2006] 2011, and the Liquefied Petroleum Gas Code, NFPA 58, [2004] 2012, which are being incorporated by reference under Basic Principle #23, are hereby adopted as the installation of gas appliances and gas piping requirements, provided, however, that this regulation may not be construed to prevent incorporated gas companies from making connections of gas appliances for domestic purposes."

[P.] O. Add a new Chapter 20 WATER SUPPLY AND SEWAGE SYSTEMS IN THE SUBDIVISION OF LAND IN MARYLAND, and add a new sentence: "[Found in] Refer to COMAR 26.04.03."

**.04 Modifications to the National Fuel Gas Code, ANSI Z223.1, NFPA 54.**

A. Chapter 7 GAS PIPING INSTALLATION. On page 63, in Section 7.13 ELECTRICAL BONDING AND GROUNDING:

(1) In subsection 7.13.1, change the section heading "Pipe and Tubing Other Than CSST" to "Gas Piping and Tubing, including CSST" and, in both instances, delete the words "other than CSST";

(2) In subsection 7.13.2, add to the heading "CSST" the words, "with an Arc-Resistant Jacket". Delete the paragraph under subsection 7.13.2, and insert the following:

"A gas piping system that contains one or more segments of CSST without an arc-resistant jacket shall be bonded in accordance with this section. CSST gas piping without an arc-resistant jacket shall require an additional bond to the electrical service grounding electrode system. The bonding jumper shall connect to a metallic pipe or fitting between the point of gas delivery and the first downstream CSST fitting. The bonding jumper shall not be less than 6 AWG copper wire or equivalent";

(3) Add a new section as 7.13.3 with the heading, "CSST with an Arc-resistant Jacket" and the following paragraph:

"CSST gas piping with an arc-resistant jacket that is listed by an approved agency for installation without the direct bonding required by section 7.13.2 shall be installed in accordance with section 7.13.1 and the manufacturer's installation instructions.";

(4) Renumber section "7.13.3 Prohibited Use" to "7.13.4" with the same heading; and

(5) Renumber section "7.13.4 Lightning Protection Systems" to "7.13.5", with the same heading and insert the words, "in a building" after "installed".

MICHAEL J. KASTNER, JR.  
Chair  
State Board of Plumbing

**Subtitle 34 OFFICE OF CEMETERY OVERSIGHT**

**09.34.03 Fees**

Authority: Business Regulation Article, §§ 5-204, 5-205, 5-303, 5-307, 5-312, 5-404, 5-605 and 5-710, Annotated Code of Maryland

**Notice of Proposed Action**

[13-056-P]

The Office of Cemetery Oversight proposes to amend Regulations .01 and .02 under COMAR 09.34.03 Fees.

**Statement of Purpose**

The purpose of this action is to increase revenues available to the Office of Cemetery Oversight Fund. Statutory provisions require that the revenues generated by the Office be sufficient to cover operating expenses, including all direct and indirect costs incurred. The Director has determined that the proposed increase in fees is necessary to balance expenditure requirements with available revenues, maintain a positive fund balance, enable enhanced oversight of regulated cemeteries, and provide more efficient licensing services.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action adjusts the per contract fee charged to the cemetery or burial goods business by the Office to the level needed to generate revenues sufficient to fully offset the costs of operating this self-funded regulatory agency. The proposed increase affects licensees and permit holders at the time of renewal. While the cemetery or burial goods business may not discretely identify the per contract fee in their schedule of consumer charges, it is assumed that this fee becomes a cost of doing business and will be passed on to the consumer in whole or in part.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency: Increased Revenue	(R+)	\$310,000 over 2 years
B. On other State agencies:	NONE	

C. On local governments:	NONE	
	Benefit (+)	
	Cost (-)	Magnitude

D. On regulated industries or trade groups:  
 For-Profit Cemeteries and Burial Goods Dealers (-) \$310,000 over 2 years

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public:  
 Consumers (+) Indeterminable

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. Based on a projected 62,000 contracts reported over a two-year licensing cycle.

D. The referenced registrants/permit holders shall, in the aggregate pay an additional \$5 for each of the 62,000 contracts projected to be reported during the licensing period.

F. While registrants cannot discretely charge this fee to consumers, it is likely recovered in whole or in part as a cost of doing business. However, in the context of the overall size of the typical consumer contract, an increase of \$5 is not an unreasonable cost in order to assure that there is an empowered regulator to whom consumers have recourse at a very difficult and vulnerable time when dealing with the death of loved ones.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Marilyn Harris Davis, Director, Office of Cemetery Oversight, 500 North Calvert Street, Ste. 300, Baltimore, MD 21202, or call 410-230-6228, or email to mharrisdavis@dllr.state.md.us, or fax to 410-333-6314. Comments will be accepted through March 18, 2013. A public hearing has not been scheduled.

**.01 Registration Fees.**

A. Initial registration fees are as follows:

(1) Registered cemeterian/registered seller who is a sole proprietor of a cemetery or burial goods business—\$150 plus [\$10] \$15 per sales contract of \$250 or more entered into within the business' past 2 fiscal years;

(2)—(4) (text unchanged)

B. Registration renewal fees are as follows:

(1) Registered cemeterian/registered seller who is a sole proprietor of a cemetery or burial goods business—\$150 plus [\$10] \$15 per sales contract of \$250 or more entered into within the business' past 2 fiscal years;

(2)—(4) (text unchanged)

C. (text unchanged)

**.02 Permit Fees.**

Permit fees are as follows:

A. Initial permit fee—\$200 plus [\$10] \$15 per sales contract of \$250 or more entered into within the business' past 2 fiscal years;

B. Permit renewal fee—\$200 plus [\$10] \$15 per sales contract of \$250 or more entered into within the business' past 2 fiscal years;  
 C.—E. (text unchanged)

MARILYN HARRIS DAVIS  
 Director

**Title 10  
 DEPARTMENT OF HEALTH  
 AND MENTAL HYGIENE  
 Subtitle 09 MEDICAL CARE  
 PROGRAMS**

**10.09.54 Home/Community Based Services  
 Waiver for Older Adults**

Authority: Health-General Article, §§ 2-104(b), 15-103, 15-105, and 15-132, Annotated Code of Maryland

**Notice of Proposed Action**

[13-050-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .14-1 and .30-1, and amend Regulation .33 under COMAR 10.09.54 Home/Community Based Services Waiver for Older Adults.

**Statement of Purpose**

The purpose of this action is to adopt new regulations for Case Management Services to be consistent with provisions of the waiver approved by Centers for Medicare and Medicaid Services and to update rates, including a rate increase for Case Management Services for Fiscal Year 2013.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action will increase rates to case management providers, effective July 1, 2012.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$375,744
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$375,744
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. and D. There are 3,800 waiver participants and applicants who receive an average of 8 units of case management service each month. At a rate increase of \$1.03 per unit, the FY 2013 fiscal impact is \$375,744. Rates for other services are updated but are unchanged from rates in effect under current regulations.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:

The proposed actions will help to ensure individuals with disabilities continue to receive individualized case management services from qualified providers.

**Opportunity for Public Comment**

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

**.14-1 Specific Conditions for Provider Participation—Case Management Services.**

To participate in the Program as a provider of case management services under Regulation .30-1 of this chapter, a provider shall:

A. Be designated by the Department through a process approved by the Centers for Medicare and Medicaid Services in accordance with section 1915(b)(4) of the Social Security Act;

B. Agree to accept all referrals from the Department, or other designated agency; and

C. Agree to be monitored by the Department.

**.30-1 Covered Services—Case Management Services.**

A. Definition.

(1) In this regulation, the following term has the meaning indicated.

(2) Term Defined. "Unit of service" means a 15-minute increment of service rendered by a qualified provider to a participant or the participant's representative.

B. Case management services shall be targeted to address the individualized needs of the participant and be sensitive to the educational background, culture, and general environment of the participant.

C. Case management services include time spent by a qualified provider conducting any of the following activities:

(1) Assisting with the initial or annual Waiver for Older Adults eligibility process;

(2) Assisting with the application and supporting the individual in maintaining all public and private benefits, resources, and entitlements;

(3) Conducting an assessment of needs, and developing a person-centered plan of care, to include all services needed to live safely in the community;

(4) Assisting with referrals, access, and coordination of services, both Medicaid and non-Medicaid, to address the individual's needs including, but not limited to:

(a) Community integration;

(b) Medical services;

(c) Social services;

(d) Educational services;

(e) Behavioral health;

(f) Legal services; and

(g) Housing;

(5) Ensuring timely receipt of all other services and documenting follow-up;

(6) Facilitating referrals to other programs if the individual is denied waiver services; and

(7) Using information technology systems developed by the Department.

**.33 Payment Procedures.**

A.—B. (text unchanged)

C. Payments.

(1)—(2) (text unchanged)

(3) The Program's maximum rates as specified in §C(4)—(9) [and], (12)—(14), and (18) of this regulation shall be effective [November 1, 2008 through September 30, 2009. The rates shall be reduced by 2 percent effective October 1, 2009, and the resulting] July 1, 2012. The rates shall increase on July 1 of each year beginning [July 1, 2010] July 1, 2013, subject to the limitations of the State budget, by the lesser of:

(a)—(b) (text unchanged)

(4) Assisted Living Services.

(a)—(c) (text unchanged)

(d) Payments for assisted living services as covered under Regulation .16 of this chapter are:

(i) [\$56.85] \$55.70 per day for Level II assisted living services;

(ii) [\$42.65] \$41.79 per day for Level II assisted living services on a day that the participant also received medical day care services;

(iii) [\$71.72] \$70.29 per day for Level III assisted living services; or

(iv) [\$53.78] \$52.69 per day for Level III assisted living services on a day that the participant also received medical day care services.

(5) Environmental Assessment.

(a) A qualified provider shall bill the Program the lesser of [\$395.59] \$387.64 or its usual and customary charge to the general public for the services rendered, minus any payments by other third party payers such as Medicare.

(b) If the environmental assessment was rendered on behalf of more than one participant, the total charge, not to exceed [\$395.59] \$387.64, shall be divided equally among invoices submitted on behalf of the impacted participants.

(6) Behavior Consultation Services. A qualified provider shall bill the Program an all-inclusive rate not to exceed [\$62.17] \$60.92 for each hour of a home visit by an individual qualified to render services.

(7) Senior Center Plus. A qualified provider shall bill the Program a daily per capita rate, negotiated with the Maryland Department of Aging, not to exceed [\$45.21] \$44.31, for each day that a participant attended the center for at least 4 hours, not including transportation to and from the center.

(8) Personal Care. A qualified provider shall bill the Program a rate for each hour of covered services not to exceed:

(a) [\$10.17] \$9.97 per hour for personal care aide services rendered by a self-employed aide, not including medication administration or assistance with administration of medication;

(b) [\$13.27] \$13.00 per hour for personal care aide services which include delegated nursing functions rendered by an appropriately certified self-employed aide under the supervision of a registered nurse;

(c) [\$13.01] \$12.75 per hour for personal care aide services rendered by an aide employed by a personal care provider agency, not including medication administration or assistance with administration of medication;

(d) [\$16.95] \$16.60 per hour for personal care aide services, which include delegated nursing functions, rendered by an appropriately certified aide employed by a personal care provider agency, under the supervision of a registered nurse;

(e) [\$62.17] \$60.92 per hour for personal care nurse monitor services rendered by a licensed registered nurse employed by a personal care provider agency.

(9) Respite Care. A qualified provider shall bill the Program a rate for each hour of covered services not to exceed:

(a) [\$10.17] \$9.97 per hour for respite care services rendered by a self-employed respite care worker;

(b) [\$13.01] \$12.75 per hour for respite care services rendered by a respite care worker employed by a respite care provider agency or facility, except a nursing facility or assisted living facility;

(c) [\$135.62] \$132.90 per day for respite care services delivered in a nursing facility; or

(d) [\$72.33] \$70.87 per day for respite care services delivered in an assisted living facility.

(10)—(11) (text unchanged)

(12) Family or Consumer Training. A qualified provider shall bill the Program an all-inclusive rate not to exceed [\$62.17] \$60.92 for each hour of covered services.

(13) Home-Delivered Meals. A qualified provider shall bill the Program an all-inclusive rate not to exceed [\$5.65] \$5.53 for each delivered meal.

(14) Dietitian and Nutritionist Services. A qualified provider shall bill the Program a rate not to exceed [\$62.17] \$60.92 for each hour of covered services.

(15)—(17) (text unchanged)

(18) Case Management Services. A qualified provider shall bill the Department not more than \$14.28 for each unit of service, as defined in Regulation .30-1 of this chapter.

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.55 Living at Home Waiver Program

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-130, Annotated Code of Maryland

#### Notice of Proposed Action

[13-058-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .26-3 and .29 under COMAR 10.09.55 Living at Home Waiver Program.

#### Statement of Purpose

The purpose of this action is to remove provisions relating to documentation requirements that are not applicable to Living at Home Waiver case management providers and modify language for rate changes to incorporate a rate increase for case management providers.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

### Estimate of Economic Impact

**I. Summary of Economic Impact.** The proposed action will increase rates to case management providers, effective July 1, 2012.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$326,304
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
Providers of case management services	(+)	\$326,304
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. and D. 1,100 waiver participants and applicants receive an average of 24 units of case management services each month. At a rate increase of \$1.03 per unit, the FY 2013 impact is \$326,304. Rates for other services are updated but are unchanged from rates in effect under current regulations.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

The proposed actions will help to ensure individuals with disabilities continue to receive individualized case management services from qualified providers.

#### Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

#### .26-3 Covered Services — Case Management.

A.—B. (text unchanged)

C. Case management services include time spent by a qualified provider conducting any of the following activities:

(1)—(4) (text unchanged)

(5) [Contacting Living at Home Waiver providers and Medicaid State Plan providers not less than monthly and documenting that services were received in the amount, type, frequency, and duration described in the plan of services:] *Repealed.*

(6)—(8) (text unchanged)

#### .29 Payment Procedures.

A.—B. (text unchanged)

C. Payments.

(1)—(3) (text unchanged)

(4) Rates.

(a) Attendant Care Services. The Department shall reimburse a qualified provider a rate for each hour of covered service not to exceed:

(i) Consumer-employed—[\$13.33] \$13.06 per hour for attendant services rendered by a qualified self-employed provider; and

(ii) Agency-employed—[\$17.03] \$16.69 per hour for attendant services rendered by a qualified agency-employed provider.

(b) Environmental Accessibility Adaptations. A qualified provider shall bill the Department:

(i) (text unchanged)

(ii) Not more than [\$6,246.66] \$6,246.03 every 12 months per participant, unless the rate complies with the exceptions set forth in Regulation .28B of this chapter.

(c) Personal Emergency Response Systems. A qualified provider shall:

(i) (text unchanged)

(ii) Bill the Department, not more than [\$1,135.76] \$1,112.93 per unit of service, unless preapproved under Regulation .28C of this chapter; and

(iii) (text unchanged)

(d) Personal Emergency Response Systems with Motion Detector. A provider shall:

(i) (text unchanged)

(ii) Bill the Department, not more than [\$1,362.90] \$1,335.50 per unit of service, unless preapproved under Regulation .28C of this chapter; and

(iii) (text unchanged)

(e) Assistive Technology. A qualified provider shall:

(i) (text unchanged)

(ii) Bill the Department, not more than [\$6,246.66] \$6,246.03 every 12 months, unless the rate complies with the exceptions set forth in Regulation .28B of this chapter; and

(iii) (text unchanged)

(f) Consumer Training. A qualified provider shall bill the Department an all-inclusive rate not to exceed [\$40.32] \$39.50 for each hour of covered service.

(g) Family Training. A qualified provider shall bill the Department a rate for each hour of covered services not to exceed:

(i) Self-employed—[\$26.69] \$26.16 per hour for family training services rendered by an appropriately licensed professional; and

(ii) Agency-employed—[\$38.91] \$38.13 per hour for family training services rendered by an appropriately licensed professional.

(h) Nursing Supervision. A qualified provider shall bill the Department a rate for each hour of covered services not to exceed:

(i) Self-employed—[\$26.69] \$26.16 per hour for nursing supervision services rendered by an appropriately enrolled, licensed provider; and

(ii) Agency-employed—[\$38.91] \$38.13 per hour for nursing supervision services rendered by an appropriately enrolled, licensed provider.

(i)—(j) (text unchanged)

(k) Environmental Assessment. A qualified environmental assessment provider shall bill the Department:

(i) The lesser of [\$395.59] \$387.64 or its usual and customary charge to the general public for the services rendered, minus any payments by other third party payers such as Medicare; but

(ii) (text unchanged)

(l) Home-Delivered Meals. A qualified provider shall bill the Department an all-inclusive rate not to exceed [\$5.65] \$5.53 for each delivered meal.

(m) Dietitian and Nutritionist Services. A qualified provider shall bill the Department a rate not to exceed [\$62.17] \$60.92 for each hour of covered services.

(n) Case Management Services. A qualified provider shall bill the Department not more than [\$13.25] \$14.28 for each unit of service, as defined in Regulation .26-3 of this chapter.

(5) The Program's rates as specified in §C(4) of this regulation shall be effective [July 1, 2009 through September 30, 2009. The rates shall be reduced by 2 percent effective October 1, 2009 and the resulting] July 1, 2012. The rates shall increase on July 1 of each year beginning [July 1, 2010] July 1, 2013, subject to the limitations of the State budget, by the lesser of:

(a)—(b) (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 34 BOARD OF PHARMACY

### 10.34.36 Pharmaceutical Services to Residents in Assisted Living Programs and Group Homes

Authority: Health Occupations Article, §§12-205, 12-301, 12-401, 12-403, 12-501, 12-503, 12-504, 12-505, 12-506, Annotated Code of Maryland

#### Notice of Proposed Action

[12-249-R]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01—.10 under a new chapter, **COMAR 10.34.36 Pharmaceutical Services to Residents in Assisted Living Programs and Group Homes**. Because substantive changes have been made to the original proposal as published in 39:19 Md. R. 1266—1270 (September 21, 2012), this action is being repropounded at this time. This action was considered by the Board of Pharmacy at a public meeting held November 28, 2012, notice of which was given by publication on the Board of Pharmacy web site <http://dhmh.maryland.gov/pharmacy/SitePages/Home.aspx> from October 16, 2012—November 28, 2012, pursuant to the State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to promulgate a new chapter to reflect the current practice of pharmacy in assisted living programs and group homes, excluding pharmacies providing only emergency services for assisted living programs or group homes. This new chapter contains regulations which pertain exclusively to assisted living programs and group homes which include definitions, policies and procedures, personnel, physical requirements, medication and device distribution and pharmaceutical services, medication packaging, labeling of resident medications, drug control and accountability, and quality management. Previously assisted living programs and group homes were included in the same chapter with long-term care facilities. That chapter has been renamed "Pharmaceutical Services to Patients in Comprehensive Care Facilities" and revised to pertain only to comprehensive care facilities. See 38:26 Md. R. 1726—1727 (December 16, 2011), Effective June 2, 2011 (38:11 Md. R. 671). Comprehensive care and assisted living programs/group homes provide different levels of care and separate regulations have been promulgated to address those differences. For example, a pharmacy servicing a comprehensive care facility would have a director of pharmacy working exclusively for one pharmacy, while a pharmacy servicing assisted living programs and group homes would not have a designated director of pharmacy, but have a responsible pharmacist who is knowledgeable with assisted living programs and group homes. Labeling in assisted living programs/group homes would require some additional information.

Additionally there is no “emergency drug kit” allowed in assisted living programs or group homes.

The purpose of the reproposal is to revise Regulation .06 and .10 to accommodate the different practice setting of a group home. The Board also corrects the economic impact to reflect that the Board will be inspecting the pharmacies that service assisted living facilities and group homes and not the actual assisted living facilities and group homes.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The economic impact on the Board and the pharmacies that service assisted living programs and group homes would be minimal. Pharmacies that service assisted living programs and group homes might have to revise the labels that they provide on the medications dispensed and revise some packaging procedures, although some pharmacies may already be complying.

II. Types of Economic Impact	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(-)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Unquantifiable

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. The Board would have to create an inspection form for the inspection of pharmacies that service assisted living programs and group homes and would have to provide training to inspectors. Inspection forms are created and revised as a matter of course and there is ongoing training for inspectors, therefore cost to the Board would be minimal to none.

D. The cost to pharmacies that service assisted living programs and group homes is difficult to determine because some pharmacies may already comply with the revisions. Other pharmacies may have to make minimal adjustments to labeling content and packaging procedures.

F. There may be a reduction in medication errors or labeling errors for patients in comprehensive care facilities.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:

The chapter impacts pharmacies that service group homes. The one change for group homes is that the pharmacy will include on the label of the medications directions for use as set forth in the medication administration record or prescriber’s orders. Emergency drug kits would not be allowed and interim boxes would only be available in group homes if there is a licensed nurse present 24 hours a day.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.

Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. **Helvetica Bold Italic** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [[[Triple brackets]]] indicate text proposed for deletion which substantively alters the originally proposed text.

.01—.05 (originally proposed text unchanged)

**.06 Medication and Device Distribution and Pharmaceutical Services.**

**A. The responsible pharmacist shall be accountable for, at a minimum:**

[[[A.]]] (1)—[[[D.]]] (4) (originally proposed text unchanged)

**B. In addition to § A of this regulation, the responsible pharmacist may:**

[[[E. Participation]]] (1) **Participate** in those aspects of the assisted living program’s or group home’s quality assurance improvement program, if such program exists, which relate to pharmaceutical care and effectiveness; and

[[[F. Implementation of]]] (2) **Implement** the policies and decisions of the appropriate committee or committees of the assisted living program or group home related to these regulations and to other regulations of the assisted living program or group home.

.07—.09 (originally proposed text unchanged)

**.10 Quality Management.**

**A. The responsible pharmacist, in cooperation with the appropriate committee of the assisted living program [[[or group home]]], shall [[[be responsible for developing]]] **develop** procedures for an ongoing quality management program that includes a mechanism for reviewing and evaluating pharmaceutical services as defined in this chapter and COMAR 10.07.14.29 where appropriate.**

**B. The responsible pharmacist, in cooperation with the appropriate committee of the group home, if applicable, may develop procedures for an ongoing quality management program that includes a mechanism for**

**reviewing and evaluating pharmaceutical services as defined in this chapter.**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

**Subtitle 41 BOARD OF EXAMINERS  
FOR AUDIOLOGISTS, HEARING AID  
DISPENSERS, AND SPEECH-  
LANGUAGE PATHOLOGISTS**

**10.41.08 Hearing Aid Dispensers**

Authority: Health Occupations Article, §§2-205 and 2-302.1, Annotated Code of Maryland

**Notice of Proposed Action**

[13-057-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01-1 and .02 under **COMAR 10.41.08 Hearing Aid Dispensers**. This action was considered at a public meeting held on October 18, 2012, notice of which was given on the Board’s website <http://dhmh.maryland.gov/boardsahs/SitePages/Home.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to:

(1) Define accredited 2-year post-secondary program to include a program at a college or university located within the U.S. that has been recognized by the Council on Higher Education Accreditation or by an accrediting body recognized by the U.S. Department of Education, and a college or university located in a foreign country whose program has met the standards for certification of that country’s governing educational body; and

(2) Require that an individual applying for a full hearing aid dispenser license, or transferring from a limited license to a full license, submit proof of graduation from an accredited 2-year post-secondary program.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston St., Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

**.01-1 Definition.**

A. In this chapter, the following [term has] *terms have* the [meaning] *meanings* indicated.

B. [Term] *Terms Defined.*

(1) “Accredited 2-year post-secondary program” means:

(a) A college or university located in the United States whose program has been accredited by a national accrediting association recognized by the:

(i) Council for Higher Education Accreditation; or

(ii) The United State Department of Education; or

(b) A college or university located outside of the United States whose program has met the standards for certification of the governing educational body that is regulated by the government of the country where the college or university is located.

(2) “Pro bono work” means work provided within the State within the scope of practice of the licensee that is performed without financial reimbursement or direct financial gain.

**.02 Application for License.**

A.—C. (text unchanged)

D. The applicant shall include with the application [a]:

(1) A check or money order made payable to the Board in the amount specified[.]; and

(2) If applying for a full license in hearing aid dispensing or transferring from a limited license in hearing aid dispensing to a full license in hearing aid dispensing, evidence of graduation from an accredited 2-year post-secondary program, as defined in Regulation .01-1B of this chapter.

E.—I. (text unchanged)

JOSHUA M. SHARFSTEIN, MD  
Secretary of Health and Mental Hygiene

**Subtitle 44 BOARD OF DENTAL  
EXAMINERS**

**10.44.30 Record Keeping**

Authority: Health Occupations Article, §4-205(c)(3), Annotated Code of Maryland

**Notice of Proposed Action**

[13-033-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulation .01-1 and amend Regulations .02 and .03 under **COMAR 10.44.30 Record Keeping**. This action was considered by the Board of Dental Examiners at a public meeting held on October 3, 2012, notice of which was given under the Notice of Public Meetings link on the Board’s website pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to establish guidelines for the creation and maintenance of electronic dental records.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and

Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

**.01-1 Definitions.**

A. In this chapter the following terms have the meanings indicated.

B. Terms Defined.

(1) "Best practices" means a method or technique that through experience and research has shown to reliably lead to results superior to those achieved by other means.

(2) "Electronic health records" means health records created and maintained on computer or other electronic device.

**.02 General Provisions for Handwritten, Typed and Electronic Health Records.**

A.—D. (text unchanged)

[E. A dentist who maintains dental records on a computer or other electronic device shall prepare and maintain a current back-up copy of the dental records.]

[F.] E.—[H.] G. (text unchanged)

H. Electronic Health Records.

(1) A dentist who creates and maintains electronic health records shall utilize best practices related to:

- (a) Hazard and risk analysis and mitigation;
- (b) Software development;
- (c) Validation;
- (d) Maintenance;
- (e) Security measures; and
- (f) System integration and operation.

(2) A dentist who creates and maintains electronic health records shall maintain a back-up copy of the records and, if feasible, a back-up copy off site.

(3) The initials and signatures in electronic health records required by this chapter may be produced electronically.

(4) Electronic health record systems shall include an audit-trail function that details all interactions between systems and their users and all interactions among systems.

(5) The audit-trail identified in §H(4) of this regulation shall include:

- (a) Attempted or successful unauthorized access to the electronic health records where the determination is feasible;
- (b) Attempted or successful unauthorized modification or destruction of any records where the determination is feasible;
- (c) Interference with application operations of the electronic records;
- (d) Any setting of or change to logical access controls related to the dispensing of controlled substance prescriptions; and
- (e) Attempted or successful interference with audit trail functions.

(6) Electronic health record systems shall provide the capability to produce a hard copy business version of each treatment or progress note and shall indicate:

- (a) The date and time of each entry;
- (b) The identity of each individual who made the entry;
- (c) The method used in the creation of each entry, which shall include but not be limited to:
  - (i) Direct entry via keyboard or mouse;
  - (ii) Speech recognition;
  - (iii) Automation;
  - (iv) Machine-entered default information;
  - (v) Pre-created documentation via form or template;

(vi) Copy or import of an object including the date and time of the entry and the identity of the original author;

(vii) Copy forward previous note contents including the date and time of the entry and the identity of the original author; and

(viii) Dictation and transcription from an external system.

I.—O. (text unchanged)

[P. The initials and signatures in computer or other electronically generated records required by this chapter may be produced electronically.]

[Q.] P.—[W.] V. (text unchanged)

**.03 Clinical Charts.**

A. Each patient's clinical chart shall include at a minimum the following:

[A.] (1)—[J.] (10) (text unchanged)

[K.] (11) Clinical details with regard to the administration of:

[ (1) ] (a)—[ (4) ] (d) (text unchanged)

[L.] (12)—[U.] (21) (text unchanged)

B. A dentist who performs diabetes or blood pressure screening shall include the results of the screenings in the patient's clinical chart.

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Title 14

# INDEPENDENT AGENCIES

## Subtitle 31 OFFICE FOR CHILDREN

### 14.31.06 Standards for Residential Child Care Programs

Authority: Human Services Article, §§2-209, 2-212, 9-203, 9-204, 9-221, 9-231, 9-234, and 9-235; Health-Occupations Article, §20-302; Education Article, §§8-301 — 8-303 and 8-401 — 8-417; Family Law Article, §§5-506, 5-508, 5-509, and 5-510; Health-General Article, §§2-104, 7-904, 8-404, 10-922, and 10-924; Annotated Code of Maryland

#### Notice of Proposed Action

[12-325-P]

The Secretaries of DHMH, DHR, and DJS, the State Superintendent of Schools, and the GOC propose to amend Regulations .02 — .19 under COMAR 14.31.06 Standards for Residential Child Care Programs. For administrative convenience, because these proposed regulations are being jointly proposed, the amended regulations would appear in the title for the existing regulations for the Governor's Office for Children.

#### Statement of Purpose

The purpose of this action is to align the regulations for the Residential Child Care Programs with uniform licensing and monitoring practices and to clarify minimum standards of safety for children with intensive needs.

#### Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The overall economic impact of the changes to these regulations may result in a minimal cost savings to regulated industries or trade groups.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D. The proposed changes to the regulations may result in a small economic benefit to regulated industries including residential child care programs. Recent changes to statutory requirements for the certification of residential child and youth care practitioners will result in a reduction of training costs for the licensees and lead to the most significant economic impact of the proposed regulations. Other changes in the regulations pertaining to direct care staff receiving the results of child protective services clearances prior to working unsupervised with children may lead to minimal increases in operational costs of retaining more “cleared staff” for supervision purposes and administrative costs if the filing of additional clearances requires an increase in staff hours. Additional changes to the requirements to obtain initial dental and physical exams are slightly more and less stringent, respectively, and any cost implications of one will likely be offset by the other.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Kimberly Malat, Interim Executive Director, Governor’s Office for Children, 301 West Preston Street, 15th Floor, or call 410-767-5154, or email to kim.malat@maryland.gov, or fax to 410-333-5248. Comments will be accepted through March 11, 2013. A public hearing has not been scheduled.

**.02 Scope.**

A. This chapter applies to residential child care programs licensed by the Department of Human Resources (DHR), Department of Health and Mental Hygiene (DHMH), and Department of Juvenile Services (DJS), including the following residential programs for children:

- (1) (text unchanged)

- [(2) Emergency shelter care;
- (3)] (2) Group homes;
- [(4) Mother-infant programs;
- (5)] (3) Nonpublic residential educational facilities;
- [(6) Programs for medically fragile children;
- (7) Programs for pregnant adolescents;
- (8) Psychiatric respite care;
- (9)] (4) DHMH/Community Mental Health Programs/Residential [crisis] Crisis [services] Services;
- [(10)] (5) State-operated residential educational facilities; and
- [(11) Secure care;
- (12)] (6) Therapeutic group homes[; and].
- [(13) Wilderness programs.]
- B. (text unchanged)
- C. (text unchanged)
  - (1) (text unchanged)
  - (2) An individual related to the child by blood or marriage within [four] five degrees of consanguinity or affinity under the civil law rule.
  - (3) — (6) (text unchanged)
  - (7) A nonpublic residential school that is not approved to serve students with disabilities under COMAR 13A.05.02.12; [or]
  - (8) A facility listed in *Human Services* Article [83C, §2-117], §9-226, Annotated Code of Maryland, or a residential facility operated by the Department of Juvenile Services; or
  - (9) A homeless shelter.
- D. (text unchanged)
  - (1) Special licensing and monitoring requirements that differ from or supplement the requirements of this chapter are applicable to the following:
    - (a) — (f) (text unchanged)
    - (g) Programs for adolescent girls who are pregnant [adolescents]; [and]
    - (h) [Mother-infant] Mother-baby programs;
    - (i) Therapeutic group homes;
    - (j) DHMH Community Mental Health Programs/Residential Crisis Services; and
    - (k) DHMH Community Mental Health Programs/Residential Respite Care Services.
  - (2) (text unchanged)

**.03 Definitions.**

- A. (text unchanged)
- B. Terms Defined.
  - (1) “Administration” means the licensing agency.
  - [(1)] (2) “Behavior [treatment] intervention plan” means a [proactive] plan[,] that is based on the functional behavioral assessment, designed to address [problem] challenging behaviors [exhibited by a resident in the residential setting] through the use of positive behavioral interventions, strategies, and supports, developed by a human services professional as defined in [§B(10)] §B( 21) of this regulation, who has training and expertise in conducting a behavior functional assessment.
  - (3) “Behavioral consultation” means on-site observation, assessment, and evaluation of the child within the context of the child’s existing program. Behavioral consultation may include:
    - (a) Recommendations regarding structure of the program;
    - (b) Appropriate activities and services; or
    - (c) Consultation with human services professionals.
  - (4) “Behavioral health” means treatment of mental illness, emotional disorders, drug abuse, or alcohol abuse.
  - (5) “Behavioral respite” means relief services provided by a community-based residential program that meets a child’s behavioral needs.

(6) “Board” means the board of directors of a residential child care program responsible for the planning and oversight of the operation of the residential child care program.

(7) “Certified residential child and youth care practitioner” means an individual who is certified by the Maryland State Board for the Certification of Residential Child Care Program Professionals as defined in COMAR 10.57.01.02B(7).

[(2)] (8) “Challenging behavior” means those behaviors exhibited by a child which are harmful, destructive, or socially unacceptable and necessitate being addressed in the child’s individual service plan [of care] and behavior intervention plan.

[(3)] (9) “Chemical restraint” means the use of [a drug or] medication that is not [a standard] the current treatment for a child’s condition to control behavior or restrict the child’s movement.

(10) “Chief administrator” means the individual, regardless of title, who is appointed by the Board as having responsibility for the overall administration of the organization.

(11) “Chief financial officer” means the program executive with the primary responsibility for overseeing the financial activities of the program including financial planning, budget preparation, monitoring cash-flow, record keeping, and reporting to the Board.

[(4)] (12) “Children’s Cabinet” means those agencies directed by Executive Order 01.01.2006.03:

(a) — (b) (text unchanged)

(13) “Contractual and temporary staff” in this chapter are those human services professionals and direct care staff who work at the residential child care program on a contractual or temporary basis or who are placed by a staffing organization with whom the licensee has a contract to perform those duties specified in the job description.

(14) “Cordless window covering” has the meaning stated in Family Law Article, §5-505, Annotated Code of Maryland.

[(5)] “Critical incident” means:

(a) The death of a child or staff while on duty;

(b) An emergency room visit that is the result of a level 3 injury;

(c) An unplanned hospital admission;

(d) An unauthorized absence of any duration that constitutes and immediate danger to self or others; or

(e) Any programmatic, public health, or physical plant issue that could endanger or require the removal of children for reasons of health or safety.

(6)] (15) “Custodial agency” means the agency having primary legal responsibility, which may result from an order of shelter, commitment, limited guardianship, full guardianship, [and] or voluntary placement, [both] time limited [and child with disabilities], for the child in placement, and may include a child with disabilities.

[(7)] (16) (text unchanged)

(17) “Emergency placement” means residential services provided to a child who requires immediate placement in a residential child care program because the child is:

(a) Abandoned;

(b) At risk of serious immediate danger; or

(c) At risk for long-term, out-of-home placement without use of placement as a short-term intervention.

(18) “Family” has the meaning stated in Human Services Article, §8-101, Annotated Code of Maryland.

[(8)] “Full-time employee” means an individual employed by the licensee for at least 35 hours a week.

(9)] (19) [Functional Behavior Assessment.

(a)] “Functional behavior assessment” means the systematic process of gathering information to guide the development of an effective and efficient behavior [treatment] intervention plan for the problem behavior.

[(b)] “Functional behavior assessment” includes the:

(i) Identification of the functions of the problem behavior for the resident;

(ii) Description of the problem behavior exhibited in the residential setting; and

(iii) Identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time.]

(20) “Group home” means a residential child care program, including:

(a) Shelter care, including:

(i) Emergency; or

(ii) Structured;

(b) Mother-baby programs;

(c) Programs for adolescent girls who are pregnant;

(d) Psychiatric respite care;

(e) Secure care;

(f) Programs for children who are medically fragile;

(g) Programs for children with developmental disabilities;

(h) Residential crisis services;

(i) Residential respite care services;

(j) Wilderness programs; and

(k) Diagnostic evaluation treatment programs.

[(10)] (21) “Human services professional” means:

(a) — (e) (text unchanged)

(f) A [school] guidance counselor certified under COMAR 13A.12.03.02 or a school psychologist [II] certified under COMAR 13A.12.03.10;

(g) [An addictions] A certified counselor [certified as an alcoholism counselor, drug counselor, or chemical dependency counselor] meeting the requirements under COMAR 10.58.07 to practice alcohol or drug counseling; or

(h) For programs serving [developmentally disabled] children with developmental disabilities, an individual with a bachelor’s degree in a human services field who has a minimum of 1 year of full-time experience working directly with persons with developmental disabilities.

[(11)] (22) “Individual [service] plan of care” means [a] an individualized written [description of] plan as detailed in Regulation .17C of this chapter:

(a) A child’s needs;

(b) Goals to be achieved;

(c) Persons and agencies responsible for carrying out the plan;

(d) Participants in the development of the plan; and

(e) Programmatic elements to achieve identified goals, including:

(i) Assessments;

(ii) Services;

(iii) Supports; and

(iv) Education and life skills training, as appropriate].

[(12)] “Isolation” means the involuntary restriction of a child from others for a period of time to a designated area from which the child is not physically prevented from leaving, for the purpose of providing the child with an opportunity to gain behavioral control.]

(23) “Licensee” has the meaning stated in COMAR 14.31.05.03B(20).

[(13)] (24) (text unchanged)

(25) “Medication management” means the facilitation of the safe and effective use of prescription and over-the-counter medications. The management of medications encompasses the way medications are selected, procured, delivered, prescribed, self-administered or staff-administered, documented, and monitored.

(26) “Office” means the Governor’s Office for Children.

[(14)] (27) — [(15)] (28) (text unchanged)

(29) “Policy” means a set of basic principles adopted by the Board used to enforce procedures and which are in accordance with the requirements for residential child care programs under this chapter.

[(16)] (30) “Positive behavioral interventions, strategies, and supports” means [the application of affirmative program and resident specific actions and assistance to encourage] a therapeutic intervention that uses a broad range of systemic and individualized strategies for enhancing positive social and emotional [and behavioral success] results while preventing or reducing challenging behaviors.

(31) “Procedure” means a detailed explanation of how policies will be implemented.

[(17)] (32) “Program administrator” means the individual, regardless of title, certified under Health Occupations Article, Title 20, Annotated Code of Maryland, who is designated by the [licensee’s governing body] Board as having the day-to-day responsibility for the overall administration and operation of a program and for assuring the care, treatment, safety, and protection of children.

[(18)] (33) “Prone restraint” means [being held] a specific type of restraint in which a child is placed face down on the floor or another surface and physical pressure is applied to the child’s body to keep the child in the prone position. Use of prone restraint is prohibited in Maryland.

[(19)] (34) Protective or Stabilizing Device.

(a) “Protective or stabilizing device” means any device or material attached or adjacent to the [resident’s] child’s body [that restricts freedom of movement or normal access to any portion of the resident’s body,] for the purpose of enhancing functional skills, preventing unintentional harm to self or others, or ensuring safe positioning of an individual.

(b) “Protective or stabilizing device” is limited to:

(i) — (ii) (text unchanged)

(iii) Other safety equipment to secure [residents] children during transportation.

(35) “Residential child and youth care practitioner (RCYCP)” has the meaning stated in Health Occupations Article, Title 20, Annotated Code of Maryland. An RCYCP is direct care staff as defined in COMAR 14.31.06.04B(15).

[(20)] (36) “Restraint” means a technique that is implemented to impede a child’s physical mobility or limit free access to the environment, including [to] chemical, mechanical or physical restraints.

[(21)] (37) “Seclusion” means the confinement of a [resident] child alone in a room from which the [resident] child is physically prevented from leaving. Use of seclusion is prohibited in residential child care programs in Maryland.

[(22)] “Senior program personnel” means the individual designated by the facility to act in a supervisory capacity on each shift.

(23) “Staff” means paid employees of a licensee.]

(38) “Self-administration of medication” has the meaning stated for “self-administer” in Education Article, §7-421(a)(4), Annotated Code of Maryland.

(39) Severe Injury.

(a) “Severe injury” means a medical emergency that requires immediate assessment and intervention by a somatic health care provider.

(b) “Severe injury” includes, but is not limited to, fractures, dislocations, third-degree burns (destruction of tissue), electric shock, loss or tearing of body parts, all eye emergencies, ingestion of toxic substance or sharp or dangerous objects, and any injury with loss of consciousness or head injuries.

(40) “Somatic health care” means medical care that addresses an individual’s physical health care needs.

[(24)] (41) (text unchanged)

[(25)] (42) “Time-out” means the removal of a [resident] child to a supervised area, which is unlocked and free of structural barriers that prevent egress for a limited period of time during which the [resident] child has an opportunity to regain self-control and is not participating in program activities [or receiving program personnel support].

(43) “Trauma-informed care” means a person-centered approach which includes assessment, prevention of re-traumatization, and development and implementation of a safe environment plan. It is a system that reduces the risk of exposure, is strengths-based and resilience-focused, promotes respect, and supports cultural and developmental factors.

**.04 Governance.**

A. Legal Status. The licensee shall be incorporated under applicable law and maintain documents which identify its incorporation and administrative structure and staffing, including lines of authority. [Board of Directors

(1) The corporation shall be governed by a board of directors.

(2) The board of directors is responsible for the operation of the program according to its defined purposes.

(3) The board of directors shall be comprised of at least five individuals with interest in or knowledge of the needs of children and their families.

(4) Of the members of the board of directors:

(a) At least one shall have demonstrated experience in or knowledge of the human services field;

(b) At least one shall have demonstrated knowledge in the field of accounting, business, or financial management; and

(c) At least one shall be a resident of the State.

(5) An individual who has been convicted of, or who has entered a plea of guilty or nolo contendere to, a charge of child abuse or neglect or contributing to the delinquency of a minor may not be or become a member of the board of directors or of an advisory board of the corporation or program.

(6) An employee of the corporation or program, or an immediate family member of an employee of the corporation or program, may not be a member of the corporation or program’s board of directors.

(7) A member of the board of directors may not be an immediate family member of the program’s program administrator.

(8) An individual who is compensated for providing goods or services to the corporation may not be a member of the board of directors.

(9) Each member of the board of directors shall complete a training course on the duties and responsibilities of board members that is offered by the State, or alternative training approved by the Office prior to service on the board of directors and every 2 years thereafter.

(10) The board of directors shall adopt written bylaws that require the board of directors to be legally responsible for:

(a) Overseeing the management and operation of the program operated by the corporation;

(b) Ensuring that the program operates in compliance with all applicable laws and regulations;

(c) Approving the program’s mission statement, long-term goals, policies, procedures, and annual budget;

(d) Defining and prohibiting circumstances that would create a financial or personal conflict of interest for members of the board of directors, corporate officers, employees, agents, assigns, and volunteers;

(e) Ensuring that the program responds to all requests from the licensing agency in a timely manner;

(f) Approving the program's service plan and ensuring that services are provided in accordance with the plan;

(g) Approving the program's or corporation's business plan;

(h) If the organization is a nonprofit corporation under 26 U.S.C. §501(c)(3), reviewing annually whether the corporation is satisfying its charitable mission;

(i) Ensuring that the corporation has liability insurance;

(j) Requiring that all members of the board of directors have training in their responsibilities regarding the governance of the program; and

(k) Establishing committees or member assignments to periodically review as warranted but not less than annually:

(i) Compensation of officers and staff of the corporation and the program;

(ii) Quality of services provided to clients, including all incidents harming or potentially harming clients;

(iii) Financial problems and concerns relating to the program;

(iv) Performance of key staff and the nominations of new members of the board of directors; and

(v) Potential conflicts of interest.

(11) The board of directors shall:

(a) Approve the corporation's annual budget and audit;

(b) Establish policy;

(c) Have fiscal oversight;]

*B. Governance. The corporation shall have by-laws which describe the Board's legal responsibility for and authority over the policies, finances, and all related activities for implementing the program in accordance with Human Services Article, §8-806. The Board shall:*

[(d)] (1) Ensure that the corporation does not discriminate on the basis of:

[(i)] (a) – [(xi)] (k) (text unchanged)

[(e)] (2) [Appoint] Screen and [evaluate] select the organization's [program] chief administrator in accordance with corporate policy;

[(f)] Meet at least quarterly each year;

(g) Permanently retain minutes of each meeting, which shall be in sufficient detail to demonstrate that the board is fulfilling its responsibilities;

(h) Approve changes in:

(i) Request for licensure status;

(ii) Establishment of a new program;

(iii) Ownership of the corporation;

(iv) Corporate name or structure;

(v) Location of the program; and

(vi) Any other substantive changes in the program; and

(i) Notify the licensing agency within 48 hours of:

(i) The dismissal or resignation of the program administrator; or

(ii) The appointment of a new program administrator; and

(j) In the event of a vacancy in the program administration, ensure that the interim program administrator meets all the qualifications and assumes all the responsibilities of a program administrator.

(12) Representatives of the board of directors or, if the applicant or licensee is an out-of-State corporation, the advisory board, shall meet upon request with authorized staff persons representing the licensing agency.]

(3) Define in writing the role of the chief administrator;

(4) Require the chief administrator, or appropriate designee authorized to act in the chief administrator's absence, to be

accessible at all times to the agency staff and representatives of the Administration;

(5) Conduct an annual written evaluation of the chief administrator;

(6) Ensure that the program is housed, maintained, staffed, equipped, and funded to operate the programs effectively and solvently;

(7) Consult with the Administration and receive its approval before making a substantive change to the service program plan described in the current license application;

(8) Notify the Administration of any change of:

(a) The chief administrator within 48 hours; and

(b) Address or phone number of the program office at least 14 days before the change;

(9) At least every 2 years, in consultation with the chief administrator, formulate, review, and revise as necessary the program's written materials concerning:

(a) Current program and service policy, including short-term and long-term goals;

(b) Personnel practices and job descriptions;

(c) Fiscal management policy;

(d) The program evaluation report; and

(10) Be responsible for:

(a) The fiscal soundness of the program operation and undertake the review and approval of the:

(i) Program's annual budget;

(ii) Periodic accounting report; and

(iii) Annual audit or audit review completed by an independent certified public accountant; and

(b) Maintaining the licensee's continual compliance with the:

(i) Provisions of the corporation's charter;

(ii) Terms of all leases, contracts, or legal agreements to which the licensee is a party; and

(iii) Relevant federal, State, and local laws and regulations governing the operation of the licensee.

[B.] C. (text unchanged)

D. Composition and Organization of the Board.

(1) The Board shall:

(a) Be structured with a president or chair elected from the Board membership who presides at meetings to enable the Board to discharge its responsibilities;

(b) Adopt bylaws for its operation;

(c) Maintain written minutes of and records of attendance at all its meetings;

(d) Ensure that a quorum of its members meet at least quarterly;

(e) Include at least five members:

(i) At least one of whom is a Maryland resident;

(ii) At least one of whom shall have demonstrated experience in or knowledge of the human services field; and

(iii) At least one of whom shall have demonstrated knowledge in the field of accounting, business, or financial management;

(f) Maintain a list of its membership with each member's:

(i) Phone number;

(ii) Address; and

(iii) Term of membership; and

(g) Have a plan for periodic change of the Board's composition.

(2) An individual who has been convicted of, or who has entered a plea of guilty or nolo contendere to, a charge of child abuse or neglect or contributing to the delinquency of a minor may not be or become a member of the Board or of an advisory board of the corporation or program.

(3) An employee of the corporation or program or an immediate family member of an employee of the corporation or the program may not be a voting member of the Board.

(4) An individual who is compensated for providing goods or services to the corporation or program may not be a member of the Board.

(5) No member of the Board may be a staff person employed by:

- (a) The Governor’s Office for Children;
- (b) A licensing agency;
- (c) Local departments of social services;
- (d) A placement agency;
- (e) The State Department of Education; or
- (f) Any governmental organization which regulates or purchases from the program.

(6) Each member of the Board shall complete a training course on the duties and responsibilities of Board members that is offered by the State or approved by the Office within 3 months of appointment to the Board.

[C.] E. Chief Financial Officer.

(1) The [board of directors] Board shall [hire] have a chief financial officer for the corporation.

(2) The chief financial officer shall provide a report at least quarterly to the [board of directors] Board on the financial condition of the corporation.

**.05 Personnel Administration.**

A. Personnel Policies

(1) The [board of directors] Board shall:

(a) Adopt and adhere to written personnel policies and procedures; and

(b) Review and approve the policies and procedures at least every [2 years] 24 months or when necessary due to programmatic or regulatory changes.

(2) The written policies and procedures shall include the following provisions at a minimum:

(a) — (n) (text unchanged)

(o) A prohibition against the employment of any person whose physical or emotional health, notwithstanding any accommodations required by law, would impair that person’s ability to protect the health, welfare, and safety of the program’s [residents] children; [and]

(p) A prohibition against employment discrimination based on race, color, national origin, religion, creed, age, sex, sexual orientation, marital status, ancestry, or physical or mental disability; and

(q) Bans sexual harassment or other discrimination against staff and children.

(3) (text unchanged)

(4) A licensee may not appoint or employ any individual [as an employee], including a member of the [board of directors] Board, [or] a volunteer with unsupervised access to children [any individual], or contractual or temporary staff, who:

(a) Refuses to submit to:

(i) A criminal [background] history records check in accordance with State law, including Family Law Article, §§5-560—5-568, Annotated Code of Maryland; or

(ii) A Child Protective Services clearance for each state in which the employee or appointee has resided, if available;

(b) (text unchanged)

(c) Has a conviction for:

(i) — (iv) (text unchanged)

(v) Homicide; [or]

(vi) Contributing to the delinquency of a minor; or

[(vi)] (vii) Any crime against children, including Criminal Law Article, §11-207, Annotated Code of Maryland;

(d) Has a conviction for assault and battery or a drug-related offense within 5 years [of] prior to applying for a [job with the program] position, or becoming a contractual or temporary employee, Board member, or volunteer with the licensee, or while employed [for assault or a drug-related offense]; or

(e) Has a conviction for a violation of Courts and Judicial Proceedings Article, §3-838 or 3-8A-30, Annotated Code of Maryland, within 5 years prior to applying for a position, or becoming a contractual or temporary employee, Board member, or volunteer with the licensee, or while employed [for a violation of the Courts and Judicial Proceedings Article, §3-838 or 3-8A-30, Annotated Code of Maryland].

(5) The licensee must have detailed policies and procedures for the discipline, up to and including termination, of an employee, contractual or temporary employee, a member of the Board, or volunteer who, during the course of service to the program, is charged with or convicted for any criminal involvement.

(6) The licensee shall have a policy for the review and determination of appropriateness of employment for prospective staff when the criminal history records check indicates prior criminal involvement.

(7) The licensee shall be the “agency of record” concerning criminal history records checks and will not accept the transfer or self-report of criminal history as adequate.

B. The licensee [shall refrain from] may not participate in hiring practices that may result in conflicts of interest, including the concurrent employment of staff persons employed by the following Maryland entities:

(1) Governor’s Office for Children;

(2) [A licensing] Licensing agency;

[(2)] (3) (text unchanged)

[(3)] (4) [A placing] Placing agency; or

[(4)] (5) [The] State Department of Education.

C. The licensee shall establish and post a code of conduct that:

(1) Bans sexual harassment or other discrimination against staff and residents; and

(2) Requires that staff conduct themselves in a manner appropriate to serve the needs of program residents.

D.] C. The licensee shall:

[(1)] Have written job descriptions for all positions;

(2) Document that all employees meet or exceed the minimum qualifications for their positions;

(3) Assure that all employees have effective communication skills appropriate to their positions;

(4) (1) Maintain adequate staff coverage at all times based on the time of day, [the] size and nature of the program, needs of the children served, and layout of the physical plant;

[(5)] (2) (text unchanged)

[(6)] (3) Have sufficient staff to carry out the licensee’s administrative, business, clerical, dietary, housekeeping, maintenance, secretarial, and supervisory functions; [and]

[(7)] (4) Ensure that [requests for a] results of the criminal [background] history records check done in accordance with COMAR 12.15.02 [and Child Protective Services clearances have been submitted for each prospective employee] and supplied by the Criminal Justice Information System in accordance with Family Law Article, Title 5, Subtitle 5, Part VI, have been received before the employee [begins work at the program] has unsupervised access to children[.];

(5) Ensure that Child Protective Services clearances have been received for each employee before the employee has unsupervised access to children; and

(6) *Ensure that current employees resubmit an application for Child Protective Services clearances every 2 years from the date of hire.*

[E.] D. Personnel Record. The licensee shall:

(1) *Maintain a personnel record for [each staff member a personnel record] employees, temporary employees, and individuals who are hired under a contract that contains:*

(a) *A current job description signed and dated by the employee;*

[(a)] (b) *An employment application or resume showing that the employee meets or exceeds minimum qualifications and experience;*

[(b)] (c) (text unchanged)

[(c)] (c) *A written statement of medical examination by a licensed physician, made at the time of the staff member's employment, certifying that the physician has examined the staff member and found nothing in the individual's general, physical, or emotional condition that would endanger the health and well-being of children;*

(d) *An annual screening for tuberculosis administered by the Mantoux method or current Centers for Disease Control and Prevention standard with an analysis of results or, for those staff members whose results were positive, an annual medical certification that the staff member presents no symptoms of active tuberculosis;*

(e) [(d)] *Documentation of a criminal [background] history records check request made in accordance with State law, including COMAR 12.15.02, and a copy of the [initial] outcome and any periodic updates;*

[(f)] (e) *Documentation of a request for Child Protective Services check and a copy of the outcome or attempts to secure the outcome;*

[(g)] (g) *A completed federal "Employment Eligibility Verification" form (I-9);*

[(h)] (f) — [(j)] (h) (text unchanged)

[(k)] (i) *Documentation of personnel actions, such as disciplinary and commendation reports, if any, relating to the individual's employment with the program;*

[(l)] (j) — [(m)] (k) (text unchanged)

[(n)] (l) *Documentation that the staff member has received the employee training required under [§F] §E of this regulation;*

(2) *Ensure that individuals who are placed by a staffing organization with whom the licensee has a contract maintain documentation of:*

(a) *Functions and responsibilities for the individual;*

(b) *Documentation of a criminal history records check request made in accordance with State law, including COMAR 12.15.02, and a copy of the outcome and any periodic updates;*

(c) *Documentation of a request for Child Protective Services check and a copy of the outcome or attempts to secure the outcome;*

(d) *A copy of applicable professional credentials; and*

(e) *Documentation of orientation and training in the philosophy of the program, the needs and rights of the children, and the methods of meeting those needs;*

(3) *Ensure that volunteer staff and student interns have documentation of the requirements in Regulation .06.E of this chapter;*

(4) *Maintain separately from the personnel file:*

(a) *A completed federal Employment Eligibility Verification form (I-9), except for volunteers and student interns;*

(b) *A written statement of medical examination by a licensed physician, made at the time of the staff member's employment, certifying that the physician has examined the staff member and found nothing in the individual's general, physical, or emotional condition that would endanger the health and well-being of children; and*

(c) *An annual screening for tuberculosis administered by the Mantoux method or current Centers for Disease Control and Prevention standard with an analysis of results or, for those staff members whose results were positive, an annual medical certification that the staff member presents no symptoms of active tuberculosis;*

[(2)] (5) — [(3)] (6) (text unchanged)

[F.] E. Training of [Child Care Workers] RCYCPs.

(1) *Effective October 1, 2015, child care practitioners must be certified in accordance with Health Occupations Article, Title 20, Annotated Code of Maryland, with the exception of direct care staff employed by Developmental Disabilities Administration (DDA) licensed facilities.*

(2) *Each employee who provides direct care to children shall receive a minimum of [40] 30 hours of initial training and 20 hours of annual training for each year thereafter.*

[(2)] (3) *The program administrator shall designate an employee to accompany new [direct care employees on initial tours of duty] RCYCPs until the employee's supervisor determines that the new employee:*

(a) (text unchanged)

(b) *Has completed the requirements of [§F(3)(a)—(f)] §E(4)(a) — (h) of this chapter.*

[(3)] (4) *[The training of employees who may provide direct care to children shall include] RCYCPs shall receive the following initial training:*

(a) — (b) (text unchanged)

(c) *[Annual first-aid] First-aid training [either through completion of:*

(i) *American Red Cross standard first-aid course which is valid for the period of time recognized by the American Red Cross; or*

(ii) *First-aid training by a certified or otherwise qualified instructor];*

(d) *Child abuse and neglect identification and reporting[, including training in accordance with any curriculum provided by the licensing agency regarding specific aspects of child abuse and neglect prevention and reporting in residential programs];*

(e) *Suicide risk assessment and prevention (minimum 1 hour);*

(f) *Approved forms of discipline and behavior management techniques including crisis management and the use of [isolation] time-out and [restraints] restraint;*

(g) *Medication [management] certification, if applicable to assigned duties; and*

(h) *Infection control and Maryland Occupational Safety and Health Bloodborne Pathogen Standards[.];*

[(i)] (i) *Parenting issues, collaboration with families, and supporting children and families in making choices;*

(j) *Psychosocial and emotional needs of the children, family relationships, and the impact of separation;*

(k) *Special needs of the population served;*

(l) *Child development;*

(m) *The role of the child care employee;*

(n) *Food preparation, food service, and nutrition, if the employee is involved in preparing meals for residents; and*

(o) *Communication skills.]*

(5) *RCYCPs shall receive the following annual training:*

(a) *Emergency preparedness and general safety;*

(b) *Child abuse and neglect identification and reporting;*

(c) *Suicide risk assessment and prevention (minimum 1 hour); and*

(d) *Infection control and Maryland Occupational Safety and Health Bloodborne Pathogen Standards.*

(6) *RCYCPs shall maintain current certification in the following areas:*

- (a) *Cardiopulmonary resuscitation leading to certification;*
- (b) *First-aid training;*
- (c) *Approved forms of discipline and behavior management techniques including crisis management and the use of time-out and restraint; and*

(d) *Medication certification, if applicable to assigned duties.*

(7) *Annual training in §E(5) of this regulation may be included within the 20 hours of continuing education for RCYCPs every 2 years.*

[(4)] (8) [Staff training shall utilize] *The licensee shall implement any relevant curriculum approved by the licensing agency.*

(9) *The licensee shall maintain records of the training completed that includes topic, trainer, hours completed, trainer credentials, documentation of competency, and sign-in sheets.*

(10) *RCYCPs must complete training requirements in COMAR 10.57.03. Verification of completion shall be maintained in the personnel record.*

[G.] *F. Employee Evaluation. The licensee shall:*

(1) *Evaluate each employee at least once a year using a written evaluation instrument; and*

(2) *(text unchanged)*

[H.] *G. Staffing Plan. The licensee shall, at least annually:*

(1) *Analyze and document in writing:*

(a) — (c) *(text unchanged)*

(2) *Develop and implement a written staffing plan based on the analysis in §G(1) of this regulation that:*

(a) *(text unchanged)*

(b) *Provides each child with the services identified in the child's individual [service] plan of care;*

(c) — (d) *(text unchanged)*

**.06 Employee Duties and Qualifications.**

A. *Program Administrator.*

(1) *The [licensee's board of directors] Board shall employ a certified program administrator [who is] responsible for:*

(a) — (d) *(text unchanged)*

[(2)] *The program administrator shall have at least the following qualifications:*

(a) *A bachelor's degree from an accredited college or university, and at least 4 years' experience in the human services field with at least 3 of the years in a supervisory or administrative capacity; or*

(b) *A master's degree from an accredited college or university, and at least 2 years' experience in a human services field with at least 1 year of experience in a supervisory or administrative capacity.]*

[(3)] (2) *(text unchanged)*

[(4)] *If a program administrator leaves or is removed from a position as program administrator by death or for any other unexpected cause, the board of directors shall immediately designate a certified program administrator to serve in that capacity.*

(5) *Appointment of a Noncertified Individual.*

(a) *In the event a certified program administrator is not available,]*

(3) [the] *The [board of directors] Board may appoint a noncertified individual to serve in the capacity of acting program administrator [for a period not to exceed 180 days] in accordance with Health Occupations Article, Title 20, Annotated Code of Maryland.*

[(b)] *The Board shall evaluate the credentials of the individual appointed to assure that the person appointed is experienced, trained, and competent.*

(c) *The 180-day period begins on the date that the program administrator leaves or is removed from the position as a program administrator.*

(d) *The Board may extend the 180-day period for a further period of not more than 30 days.]*

B. *Direct Care Staff.*

(1) *The licensee shall employ direct child care staff to:*

(a) *Assist the children in meeting the goals and objectives of their individual [service] plans of care;*

[(b)] *Develop acceptable habits and attitudes in the children;*

[(c)] (b) *Guide and supervise the children in accordance with the Residents' Bill of Rights in Human Services Article, §8-707, Annotated Code of Maryland;*

[(d)] (c) *Manage the children's behavior; [and]*

[(e)] (d) *Promote the physical and emotional well-being of the children; and*

(e) *Facilitate the attainment of independent living skills based on the needs of the child.*

(2) *Direct care staff shall be [:*

(a) ] *21 years old or older and have a high school diploma or its equivalent]; or*

(b) *18 years old or older and in possession of at least an associate or bachelor's degree from an accredited school in a human services field].*

C. *Human Service Professionals. The licensee shall employ human service professionals appropriate to the needs of the child and the nature of the program to perform functions in accordance with Regulation .17 of this chapter, including:*

(1) [Assess the children's problems and needs] *Developing, reviewing, and signing each individual plan of care;*

(2) [Consult] *Consulting with and [train] training employees regarding implementation of each individual [service] plan of care;*

(3) [Develop] *Developing, [and review] reviewing, and signing each individual [service] plan of care and discharge plan;*

(4) [Participate] *Participating in the admission process;*

(5) [Provide] *Providing counseling services to the children directly or through community resources; and*

(6) [Serve] *Serving as a liaison [with] to the children's parents or legal guardian, schools, juvenile court, and other social and community services.*

D. *Other Professional Service Providers. The licensee shall:*

(1) *Obtain any other professional services, including consultation required for the implementation of individual [service] plans of care, that are not available from its employees;*

(2) *(text unchanged)*

(3) [Inform] *Obtain the signature of the professional [of] in agreement to comply with the licensee's confidentiality policy.*

E. *Volunteers or Student Interns. If volunteers or student interns are used, the licensee shall:*

(1) *(text unchanged)*

(2) *Ensure that volunteers and student interns who have [regular] direct contact with the children and who perform the duties of an RCYCP:*

(a) — (d) *(text unchanged)*

(e) *As appropriate, are aware of or have input into the children's individual [service] plans of care;*

(f) *(text unchanged)*

(g) *Are not permitted to have unsupervised access to children until the licensee has:*

(i) [submitted requests for] *Received the results of a criminal background check;*

(ii) [ and] *Received the results of a child protective services check;*

(iii) *Resubmitted an application for a child protective services check every 2 years from the date of commencement of the provisions of services; and*

(iv) *Completed the training required in Regulation .05E of this chapter; and*

(h) Provide the licensee a copy of applicable professional credentials. [; and

(i) For those who drive a motor vehicle to transport children, provide the licensee with:

(i) A copy of the volunteer or student intern's current driver's license; and

(ii) An official copy of the volunteer or student intern's driving record which is updated at least every 2 years.]

F. Minimum Staffing Requirements. The licensee shall ensure:

(1) Sufficient staffing at each site to carry out the licensee's administrative, business, clerical, dietary, housekeeping, maintenance, secretarial, and supervisory functions;

(2) Adequate staff coverage at all times based on the time of day, the size, and the nature of the program;

(3) That when the chief administrative officer is unavailable that the chief administrative officer appoints a qualified staff member to whom on-site authority is delegated; and

(4) That one direct care staff member shall remain awake in each building at all times.]

**.07 Physical Plant.**

A. General Requirements. The licensee shall:

(1) Comply with federal, State, and local building, fire, and health codes *and laws*, and all applicable local zoning laws;

[(2) Comply with State and federal laws prohibiting discrimination;]

[(3)] (2) Use a physical plant that is constructed and equipped in a manner consistent with the needs of the children, *staff, and visitors* and [the goals of the program] *that is constructed and maintained reasonably to protect and to ensure the safety of all staff and residents;*

[(4)] (3) Ensure compliance [with local fire and health requirements] by submitting annually to the licensing agency:

(a) (text unchanged)

(b) If the local jurisdiction does not conduct annual fire or health inspections annually, written documentation *shall be obtained annually* from the appropriate public agencies that inspections are not required;

[(5)] (4) Maintain evidence *and provide documentation upon request* that the physical plant had been tested for and found to be free of hazards from lead paint, asbestos, and radon;

[(6)] (5) *Ensure that all facilities maintain at least one working fire extinguisher;*

(6) [Protect the physical plant from] *If there is evidence of insect or rodent infestation provide documentation of;* and ]:

(a) *An inspection; and*

(b) *Insect or rodent treatment, if necessary; and*

(7) Install telephone service *and equipment* that is:

(a) Not solely provided through the use of [wireless] *cellular* phone service;

(b) *Accessible and usable by staff and residents;*

[(b)] (c) In all buildings used by the children[; and]

[(c) Appropriately accessible to staff and children].

B. License. The licensee shall *prominently* display the [originally issued] *authentic current residential child care program* license on site:

(1) *In the building bearing the address listed on the license;*

(2) *In an area of the building open and easily accessible to visitors; and*

(3) *In accordance with the requirements of the licensing agency.*

C. Building, Grounds, and Equipment. The licensee shall:

(1) Maintain all structures and grounds [in good condition.] free from health [or] *and* safety hazards;

(2) [Store] *Ensure that all outside and kitchen* trash [in noncombustible,] *containers are* covered [containers, and remove trash on a regular basis];

[(3) As appropriate to the age and functioning level of residents, prevent the children from accessing potentially unsafe areas; and]

(3) *Remove all trash at least once a week or more frequently as needed;*

(4) *Ensure that all infectious waste is stored in biohazard waste containers and removed on a regular basis; and*

[(4)] (5) (text unchanged)

D. *Counseling and Administrative Space. The licensee shall maintain a designated space separate from the children's living area:*

(1) *For private discussions and counseling; and*

(2) *For administrative purposes.*

[D.] E. Living Areas. The licensee shall ensure that each building that houses children:

(1) — (2) (text unchanged)

(3) Is a smoke [free] and [other air] pollutant free environment;

(4) Has walls that are:

(a) Regularly cleaned [or] *and* painted; and

(b) (text unchanged)

(5) (text unchanged)

[E.] F. Sleeping Accommodations.

(1) — (2) (text unchanged)

(3) A licensee shall:

(a) Supply individual beds that are:

(i) [At least 30 inches wide and adequate in length for the child's] *Adequate in size to accommodate the height and weight of the child;* and

(ii) (text unchanged)

(b) — (e) (text unchanged)

(f) Provide *waterproof* mattress protection for children who are [6 years old and younger or who are] *enuretic;*

(g) Disinfect mattresses [before] *after* use by another child;

(h) — (k) (text unchanged)

(4) For children who sleep in beds, the licensee shall:

(a) Provide a pillow, two sheets, and sufficient covering for comfort; [and]

(b) Prohibit the use of cots, bunk beds, loft beds, or sleep sofas as beds; *and*

(c) *Ensure that only the child assigned to a bed sleeps in it.*

(5) For infants and other children who require a crib, the licensee shall:

(a) — (b) (text unchanged)

(c) (text unchanged)

[(i) Crib and playpen slats are no more than 2.3 inches apart;

(ii) Top rails of the crib or playpen are least 19 inches above the mattress;

(iii) Locks or latches on the drop side of a crib are safe from accidental release;]

(i) *Only the infant assigned to a crib sleeps in it;*

(ii) *All cribs and playpens meet industry standards;*

[(iv)] (iii) — [(vii)] (vi) (text unchanged)

[(viii)] (vii) Cribs and playpens are free of hazards [and an excessive number of toys].

[F.] G. Bathrooms. The licensee shall:

(1) — (5) (text unchanged)

(6) [Supply] *Consistent with the child's individual plan of care, make available 24 hours a day, without children needing to request them, personal hygiene supplies, including but not limited to, toilet paper, soap, shampoo, toothbrushes, towels and washcloths* [and other items required for personal hygiene]; *and*

(7) *Equip bathrooms with adaptive equipment based on the needs of the children served.*

[G.] *H. Kitchens and Dining Areas.* The licensee shall:

(1) Have [sufficient] equipment and space for meal preparation, storage, serving, eating, and clean-up of meals;

(2) Maintain all equipment in *clean, safe* working order, and ensure that equipment meets all applicable health and safety standards;

(3) Unless the licensee documents that disposable dinnerware is necessary to protect the health or safety of the children, refrain from using disposable dinnerware on a [regular] *daily* basis;

[(4) Regularly inspect the food service preparation area for cleanliness and proper temperature control; and]

[(5)] (4) Ensure that all dishes, cups, and glasses used by the children are:

(a) (text unchanged)

(b) Properly cleaned between each meal; and

[(6) Ensure that children's access to the kitchen area and its equipment and tools is supervised appropriately; and]

[(7)] (5) [Ensure] *Consistent with the child's individual plan of care, ensure that [an unlocked refrigerator stocked with appropriate] children have access to unlocked food storage areas containing approved [between-meals items is maintained in the kitchen area and is accessible to program residents] between-meal snacks.*

[H. Counseling and Administrative Space. The licensee shall maintain a designated space for private discussions and counseling sessions and space separate from the children's living areas for administration, records, secretarial work, and bookkeeping.]

I. Furnishings. The licensee shall supply [appropriate] *clean, comfortable* furniture in good repair [and in sufficient amount for all living areas].

J. [Doors and Windows] *Doorways, Windows, and Window Coverings.* The licensee shall supply:

(1) Doors that can be opened from [both sides] *the inside and the outside* for all [closets,] bedrooms[,] and bathrooms;

(2) [On] *Screens that are in good repair and removable in emergencies on all exterior windows that can be opened and exterior doors that may be left open[, screens that are in good repair and removable in emergencies];*

(3) Window coverings *that will ensure privacy;* [and]

(4) *All window coverings, which shall have no draw cord capable of forming a loop greater than 7.25 inches;*

(5) *All new and replacement window coverings, which shall be cordless window coverings; and*

[(4)] (6) For each door or window in high-risk areas [where the children are active], such as recreation rooms and stairwells, shatter-resistant material or safety glass.

K. (text unchanged)

L. [Heat.] *Climate Control.* The licensee shall:

[(1) Install and insulate heating elements, including hot water pipes, in a manner that protects the safety of the children;]

(1) *Provide heating and cooling systems which meet all applicable codes;*

(2) *Ensure heating systems that exceed 120 °F that are accessible to residents are equipped with protective materials to prevent residents from coming in contact with the heat source;*

[(2)] (3) Maintain [a] *an air temperature of at least 68°F in the living areas and sleeping quarters of the physical plant; and*

[(3)] (4) [Except in an emergency that is documented in the licensee's records, refrain from] *Prohibit* the use of kerosene or open coil heaters.

M. (text unchanged)

N. Water. The licensee shall:

(1) Provide [an adequate] *a continuous* supply of potable hot and cold running water;

(2) Equip the physical plant with *a sanitary [drinking fountains or supply individual drinking cups] potable water distribution system;*

(3) (text unchanged)

(4) If water from any source other than a public water supply is used[,]:

(a) [annually] *Annually* obtain a water test conducted by the appropriate State or local authority in accordance with State or local law[,] and

(b) [keep] *Keep* on file the most recent test report.

**.08 [Emergency Planning] *Emergencies[,] and General Safety[, and Transportation].***

A. [Emergency Planning] *Emergencies.*

(1) The licensee shall:

[(1) Establish a written plan of action describing how the licensee will respond in the event of natural or man-made emergency conditions which:

(a) Is approved by the licensing agency; and

(b) Includes detailed plans for fire prevention and emergency evacuation of the physical plant;]

(a) *Hold emergency drills:*

(i) *At least monthly;*

(ii) *On each shift, at least quarterly;*

(iii) *At unexpected times and under varying conditions;*

and

(iv) *Maintain documentation of drills for 3 years;*

[(2)] (b) Post adjacent to all telephones a list of emergency telephone numbers for:

[(a)] (i) — [(c)] (iii) (text unchanged)

[(d) Physician;]

[(e)] (iv) Poison control; and

[(f)] (v) [The licensee's designee for emergencies] *Program administrator;*

[(3) Train employees and the children in the use of the fire prevention and emergency evacuation plans;]

[(4)] (c) Post *accessible* copies of the evacuation procedure in conspicuous places on each floor of the physical plant; and

[(5) Hold emergency drills:

(a) *At least monthly;*

(b) *On each shift, at least quarterly;*

(c) *At unexpected times and under varying conditions, documented for 3 years in an ongoing written record of the drills; and*

(d) *For different types of emergencies;*

(6) *Take special care to help children with disabilities understand the nature of the drills;*

(7) *Make special provisions for the evacuation of disabled individuals;]*

[(8)] (d) *Keep exits free of obstruction or impediments to immediate use[.];*

[(9) Ensure that windows used as a means of emergency exit are large enough to accommodate evacuation; and

(10) Ensure that each floor of the physical plant has more than one exit leading to the outside.]

(2) *The licensee shall develop an emergency plan for all types of emergencies and disasters that shall include:*

(a) *Procedures that will be followed before, during, and after an emergency to address the following:*

(i) *Ensuring that documentation regarding children and staff contains current health, contact persons, and other important information that is immediately accessible in the event of an evacuation;*

(ii) *Establishing a communication protocol among all appropriate parties that includes redundant communication means; and*

(iii) *The notification to parent or legal guardian, licensing agency, and placing agency regarding the action that will be taken concerning the safety and well-being of the children served;*

(b) *The evacuation, transportation, and 72-hour shelter-in-place of children and staff served;*

(c) *The staff coverage, organization, and assignment of responsibilities that include:*

(i) *Staff coverage needs for ongoing shelter-in-place or evacuations;*

(ii) *Identification of staff members available to report for or remain at work for extended periods; and*

(iii) *Establishment of staff notification and recall contingency plans and procedures;*

(d) *The continuity of services, including:*

(i) *Operations, planning, and financial and logistical arrangements;*

(ii) *Procurement of essential goods, equipment, and services to sustain operations for at least 72 hours;*

(iii) *Relocation to alternate facilities or other locations;*

(iv) *Reasonable efforts to continue care;*

(e) *Provisions to ensure that the facility's emergency and disaster plans are shared with local emergency management organizations;*

(f) *An executive summary of the evacuation procedures that shall be provided, on request, to the family member of a child; and*

(g) *Provisions to ensure that all staff and volunteers are aware of the procedures required by this chapter and that all staff and volunteers implement each procedure as adopted.*

B. — E. (text unchanged)

F. *Any applicable State, federal, or local requirement shall control in the event of any conflict by any requirement in this chapter.*

**.09 General Program Requirements.**

A. Community Integration. The licensee shall:

(1) — (2) (text unchanged)

(3) [When possible, identify a] *Appoint at least one resident of the community [as an advisor] to be a member of the [board of directors or program administrator] Board;* and

(4) Develop and implement a [mechanism] *procedure* for the resolution of complaints from the community.

B. Communications with Family and Others. The licensee shall:

(1) Before or upon placement, give the child's parent *or legal guardian, the placing agency, and [ , as appropriate,] the child, a [written description of the] program handbook that is in a format that is understandable and comprehensive, and [which] includes:*

(a) — (b) (text unchanged)

(c) *Treatment strategies and disciplinary [practices] philosophy;*

(d) — (e) (text unchanged)

(f) *The program's policies with respect to accessing health care and the exercise of religion or a life philosophy; and*

(g) *The [name and] telephone number of [a] the appropriate staff [member] on duty who may be contacted [on an ongoing basis];*

(2) [Have and follow] *Implement* a written policy regarding communication which includes visitation, correspondence, reports, and telephone contact between the child and others;

(3) [When family participation in the client's activities is consistent with the child's individual service plan, consult] *Consult* with the placing agency to *ascertain the child's status and encourage family participation in the [program] plan of care;*

(4) Consistent with the child's individual [service] *plan of care, maintain conditions of reasonable privacy for the child's visits and telephone contacts;*

(5) (text unchanged)

(6) Unless inconsistent with the child's individual [service] *plan of care, permit the child to receive and send mail;*

(7) [Have] *Establish* and [follow] *implement* written procedures for all overnight visits away from the program which address:

(a) — (c) (text unchanged)

(8) Prohibit [unreasonable] restrictions on a child's access to the child's attorney; and

(9) When a child's communication with an individual outside the program is curtailed or terminated:

(a) Inform the child and, *unless unsafe for the child, the individual affected by the restriction; and*

(b) (text unchanged)

C. (text unchanged)

D. Public Relations [and Fund Raising].

(1) (text unchanged)

(2) The licensee may not use a child [for soliciting donations], *a child's picture, or other uniquely identifying information* in any way that would likely be harmful or cause embarrassment to the child or the child's family.

E. Child Grievance Procedure.

(1) The licensee shall establish and follow a written grievance procedure that:

(a) [Is clear, simple, and timely] *Includes:*

(i) *Each step in the process;*

(ii) *Specific timelines; and*

(iii) *Identification of the person who should receive the grievance;*

(b) (text unchanged)

(c) Documents all grievances and communicates corrective actions to the:

(i) (text unchanged)

(ii) The child and the child's parents *or legal guardian, as appropriate.*

(2) The licensee shall provide the child and the child's parents *or legal guardian [ , as appropriate,] unimpeded access to a description of how to file a grievance, including:*

(a) — (c) (text unchanged)

(3) (text unchanged)

(4) *The licensee shall ensure that there is no retaliation against a child or a child's family for filing a grievance.*

[(4)] (5) The grievance [process is subject to approval] *procedure shall be approved* by the licensing agency.

[F. Religious, Cultural, Racial, and Ethnic Heritage. To the extent feasible, the licensee shall:

(1) Protect the child's free expression of religion;

(2) Be sensitive to the child's cultural, racial, and ethnic background; and

(3) Facilitate voluntary participation in activities and events related to the child's background.]

**.10 Basic Life Needs.**

A. General. The licensee shall have a structured plan of care [that is] designed to meet the children's physical needs and well-being.

B. Food and Nutrition. The licensee shall:

(1) (text unchanged)

(2) Maintain at least a [1-week] *72-hour supply of food in accordance with the planned menu;*

(3) *Maintain nonperishable food items in the event of an emergency, in accordance with the licensee's emergency preparedness plan;*

[(3)] (4) [Serve] *Provide* each child three meals each day, *which are [ , two of which shall be hot,] approved by a registered dietician and offer nutritious between-meal snacks, with not more than 14 hours between dinner and breakfast the following day;*

[(4)] (5) Offer approved supplementary or modified *nutritionally sufficient* diets for religious, cultural, life philosophy, or health reasons, as appropriate;

[(5)] (6) (text unchanged)

[(6)] (7) [Serve] *Ensure that if employees [who eat with the children] are served food from the facility, it shall be the same food as that served to the children;*

[(7)] (8) (text unchanged)

[(8)] (9) Design menus that:

(a) Are kept on file for [3 years] *12 months*;

(b) – (c) (text unchanged)

(d) [Specify] *Document* the actual foods served, including *comparable* substitutions; and

(e) [Include] *Document* any between-meal snacks provided.

C. Children’s Personal Funds. The licensee shall:

(1) [Observe] *Have and observe* a written policy concerning a child’s personal funds which addresses:

(a) — (d) (text unchanged)

(2) — (4) (text unchanged)

(5) Transfer a child’s personal funds to the child [upon] *within 5 business days of discharge* from the program;

[(6)] Except in accordance with a child’s individual service plan and the licensee’s program, refrain from asking the child to assume expenses for individual care, treatment, or program expenses; and]

[(7)] (6) As [appropriate] *applicable*, deduct reasonable sums from a child’s allowance as restitution for damage done, if]:

(a) A restitution plan is recorded in the child’s individual service plan and behavior plan; and

(b) The] *the* practice is consistent with the licensee’s program and written restitution policy; *and*

(7) *Ensure that restitution shall be paid from the child’s personal funds in accordance with the child’s court order.*

D. (text unchanged)

E. Other Personal Belongings.

(1) The licensee shall *have a policy regarding personal belongings that will:*

(a) — (c) (text unchanged)

(2) (text unchanged)

F. (text unchanged)

(1) [Train] *Instruct* the children in good habits of personal care, hygiene, and grooming; and

(2) Provide each child with [personal toilet articles] *culture-specific and gender-specific hygiene products*, including, *but not limited to:*

(a) A toothbrush *and toothpaste*;

(b) Mouthwash *and dental floss*;

[(b)] (c) A comb *and brush*;

[(c)] (d) Clean towels *and washcloths*; [and]

[(d)] (e) [Washcloths.] Soap;

(f) Shampoo *and conditioner*;

(g) Body lotion *or moisturizer*;

(h) Deodorant; *and*

(i) Feminine hygiene products.

G. Sleep. The licensee shall:

(1) Establish and follow routines for waking the children and putting them to bed; *and*

(2) Provide children the opportunity each night for at least 8 hours of uninterrupted sleep, *except in the event of an emergency or drill.*

[(3)] Ensure that the children have ready access to a staff member in the building throughout the night; and

(4) When a child’s condition or individual service plan requires it, provide an awake staff member in the child’s sleeping areas.]

**.11 Children’s Rights.**

A. (text unchanged)

B. Each child shall *be treated in compliance with a “Residents’ Bill of Rights,” as set forth in Human Services Article, §8-707, Annotated Code of Maryland.* [:

(1) Be treated with courtesy and respect;

(2) Be treated with warmth and caring;

(3) Receive positive recognition;

(4) Be spoken to and treated in an age appropriate manner; and

(5) Be protected from mental and physical abuse.]

**.12 Children’s Services.**

A. Education.

(1) Each licensee shall collaborate with the placing *agency and document efforts to:*

(a) — (c) (text unchanged)

(2) The placing agency and licensee shall work cooperatively with the local school system to:

(a) [Provide timely information, including education and immunization records, to facilitate] *Facilitate* the child’s enrollment in school *within the local school system within 3 school days of placement at the facility, and if not feasible, document in writing all attempts and rationale for the delay;*

(b) — (c) (text unchanged)

(3) If a licensee determines that there is a need to establish educational services in its facility, the licensee [may] *shall:*

(a) Obtain a certificate of approval in accordance with COMAR 13A.09.10, if the licensee intends to establish a nonpublic [elementary] *educational program* or [secondary] *GED program*; or

(b) Establish a tutoring program [designed to supplement students’ regular education programs or to prepare them for the General Education Development Test] *for children who are concurrently enrolled in a public or nonpublic educational program.*

(4) *Each licensee shall notify the placing agency and the licensing agency when a child is suspended from school for more than 3 days.*

(5) *Each licensee shall immediately notify the placing agency and the licensing agency when a child is expelled from school.*

(6) *Each licensee shall develop an individualized daily program plan for a child who has been suspended or expelled from school.*

B. Recreation and Leisure. The licensee shall *develop a written plan that:*

(1) [Provide] *Provides* the children with a range of indoor and outdoor recreation and leisure activities both in the program and in the community; and

(2) [Base] *Bases* recreation and leisure activities on a child’s needs and interests and the group composition.

C. (text unchanged)

D. Work Experience. The licensee:

(1) (text unchanged)

(2) [May] *Shall* develop appropriate work experiences for a child that:

(a) — (b) (text unchanged)

(c) Do not use [child labor] *a minor* as a substitute for child care staff;

(3) Shall change *the child’s* routine duties often to provide a variety of experience; and

(4) For a child who legally is not attending school, shall *document* [either provide for] *encouragement of or assistance to the child in the attainment of gainful employment or [enroll] facilitation of the participation of the child in a [training institute] vocational academic program* geared to the acquisition of suitable employment or necessary life skills.

**.13 Health Care.**

A. General Health Services. The licensee shall:

(1) [Observe] *Establish and implement* a written plan for the provision of preventive, routine, and emergency medical, dental, optical, and mental health care for the children; [and]

(2) *Establish and implement a written policy for documenting and addressing health complaints; and*

[(2)] (3) Obtain written authorization from a parent, *legal guardian*, or other authorized individual for emergency and non-emergency medical, dental, *optical*, or mental health care.

B. Medication Administration Policy.

(1) The licensee shall observe written policies for the management and administration of medications to [program residents] *children*.

(2) (text unchanged)

C. Medication Management.

(1) The licensee shall maintain medications as follows:

(a) (text unchanged)

(b) The licensee shall store all *Schedule I and Schedule II* controlled substances, *as defined in Criminal Law Article, Title 5, Annotated Code of Maryland*, under [a double] *two consecutive* [lock] *locks*; and

(c) (text unchanged)

(2) For a newly admitted child, the licensee shall:

(a) (text unchanged)

(b) Within 3 days of admission, consult with the licensee's medical care provider, *psychiatrist*, or the child's *primary care* physician concerning the continuation of a current medication.

(3) For each child in the program who receives medications, the licensee shall:

(a) [Periodically] *As medically indicated*, obtain from the child's medical care provider a review of the child's medications and documentation of the reasons for continuing, discontinuing, or changing medication, *depending on the child's medical needs*; and

(b) Document all medication taken, including the:

(i) — (iv) (text unchanged)

(v) Name *and signature* of the employee who administered the medication or supervised its self-administration;

(c) (text unchanged)

(d) Coordinate with the pharmacy and the child's parents *or legal guardian* to provide [for the] *information about appropriate* administration of medications [in accordance with relevant State laws] during the child's home visits.

(4) The licensee shall include the training provided under Regulation [.05F(3)(g)] *.05E(4)(g)* of this regulation to all direct care staff regarding:

(a) — (b) (text unchanged)

(5) — (6) (text unchanged)

D. [Medical] *Somatic Health* Care. The licensee shall:

(1) *Establish and implement written policies and procedures for the provision of somatic health care services*;

[(1)] (2) Provide the children with access to [medical] *somatic health* care through a physician licensed to practice medicine in the State or, under the supervision of a licensed physician, a nurse practitioner or physician's assistant appropriately certified or licensed to practice in the State;

[(2)] (3) Arrange for access to prompt *diagnosis* and treatment of acute illnesses;

(4) *Arrange for access to continuing care for chronic illnesses*;

[(3)] (5) Arrange for hospitalization for a child when deemed necessary by the licensee's [medical] *somatic health* care provider; *and*

[(4)] (6) As authorized by State and federal law, make available to the child, the child's parent *or legal guardian*, and the placing agency a copy or summary of the child's health record[; and

(5) Have and follow written policies and procedures for the provision of health care services].

E. Dental Care. The licensee shall:

(1) (text unchanged)

(2) Unless a child has been examined and treated as necessary during the [12] 6 months before the child's admission to the program, have each child examined by a dentist within 30 days after admission; [and]

(3) Have each child examined by a dentist at least every 12 months or more frequently as prescribed by the dentist[.]; *and*

(4) *Arrange for access to prompt treatment of acute dental needs*.

F. *Vision and Audiological Care*. The licensee shall provide the child with access to vision and audiological care as authorized by the child's primary care physician through an appropriate professional licensed to practice in the State.

[F.] G. (text unchanged)

[G.] H. Physical Examination. The licensee shall secure a physical examination for each child, *with a copy of the documentation of the* [a physical] examination [and a copy thereof]:

(1) Within 30 days of admission or earlier if indicated by the child's health status, *unless a child has been examined and treated as necessary during the 12 months before the child's admission to the program*; and

(2) After the examination conducted under [§G] §H(1) of this regulation, according to a schedule established by the child's medical care provider, the American Academy of Pediatrics, or the Early and Periodic Screening, Diagnosis, and Treatment schedule.

[H.] I. Emergency Health Services. The licensee shall [have] *establish and [follow] implement* written policies and procedures for emergency medical, dental, or mental health needs requiring emergency hospital treatment, including:

(1) — (2) (text unchanged)

(3) Notification [of] *to* the licensing agency, the placing agency, and, unless inconsistent with the child's individual [service] plan of *care*, the child's parent *or legal guardian*; and

(4) (text unchanged)

[I.] J. Communicable Diseases. The licensee shall:

(1) [Have] *Establish* and [follow] *implement* a policy for managing communicable diseases, including isolation when necessary;

(2) [Have] *Establish* and [follow] *implement* a policy that requires staff to exercise standard precautions with respect to communicable diseases and infection control; and

(3) Comply with Maryland Occupational Safety and Health Bloodborne Pathogen Standards and the Centers for Disease Control and Prevention's guidelines for the prevention of [tuberculosis] *communicable diseases and other health emergencies*.

[J.] K. (text unchanged)

**.14 Child Abuse and Neglect.**

A. Written Policy. The licensee shall [observe] *establish and implement* a written policy that sets out, in [accordance] *compliance* with State law and regulations:

(1) — (3) (text unchanged)

B. Reporting Requirements.

(1) — (3) (text unchanged)

(4) Within 48 hours after a licensee files a report of child abuse or neglect with the local department of social services or the appropriate law enforcement agency, or within 48 hours after it becomes known to the licensee that the report has been filed, the licensee shall:

(a) (text unchanged)

(b) Unless inconsistent with the child's individual [service] plan of *care*, inform the child's parent *or legal guardian* of the allegation.

(5) (text unchanged)

C. (text unchanged)

D. Administrative Leave. Upon being notified of or making a report alleging that an employee has subjected a child to abuse or neglect, the licensee shall *immediately* place the employee on administrative leave and remove the employee from access to the children. This regulation does not prohibit a licensee from suspending without pay or discharging an employee alleged to have subjected a child to abuse or neglect.

E. — F. (text unchanged)

**.15 Behavioral Interventions, Strategies, and Supports.**

A. General Policies.

(1) The licensee shall establish and follow written policies and procedures that:

(a) Are communicated to the child, the child’s parent *or legal guardian*, program personnel, *licensing agency*, and the placing agency;

(b) [Identify all approved forms] *Incorporate the principles of positive behavioral interventions, strategies[,] and supports, and trauma-informed care into all prevention and intervention strategies;*

(c) Specify the approved procedures for the administration of [each form of positive behavioral interventions,] *prevention and intervention strategies[,] and supports;*

(d) Identify the program personnel authorized to administer each form of [positive behavioral interventions,] *prevention and intervention strategies[,] and supports;*

(e) Include the procedures for training program personnel in the use and administration of each form of [positive behavioral interventions,] *prevention and intervention strategies[,] and supports that incorporate the principles listed in §A(1)(b) of this regulation; and*

(f) [Periodically] *Annually* review the forms of [positive behavioral interventions,] *prevention and intervention strategies[,] and supports [used for effectiveness and safety].*

(2) A licensee may not use the following [measures] as disciplinary measures:

(a) Physical, *mental*, and verbal abuse, *or* corporal punishment [, ill treatment, and harsh or humiliating actions];

(b) — (g) (text unchanged)

(3) [Except as part of an organized self-government procedure that is conducted in accordance with written policy, directly supervised by staff, and approved by the licensing agency, a] A program may not delegate [the positive] behavioral interventions, strategies, and supports of a child to another child or group of children.

B. Interventions Strategies.

(1) *General Program Requirements. Program staff shall be encouraged to use an array of prevention and intervention strategies to increase adaptive behaviors or decrease targeted behaviors, as specified in the behavior intervention plan, that incorporate the following principles:*

(a) *Positive behavioral intervention strategies and supports;*

(b) *Trauma-informed care; and*

(c) *Individualized behavioral assessments and planning in accordance with COMAR 14.31.06.17.*

(2) *Program staff may use restraint only:*

(a) *After less restrictive or alternative approaches have been considered and:*

(i) *Attempted; or*

(ii) *Determined to be inappropriate;*

(b) *In a humane, safe, and effective manner;*

(c) *Without intent to harm or cause discomfort;*

(d) *When consistent with documented medical or psychological limitations and the child’s individual plan of care; and*

(e) *If the staff member performing the restraint has current certification in the use of restraint via the training program used by the licensee that has been approved by the State.*

(3) *Nothing in this chapter shall limit the responsibilities of law enforcement, judicial authorities, or security personnel.*

[B.] C. Safe Environment Plan.

(1) General. The program shall develop a safe environment plan during intake and admission. The safe environment plan shall be reviewed and updated in conjunction with the [resident behavioral treatment] *child’s individual plan of care, or more frequently, as appropriate.* The program shall partner with the [resident] *child*, the [resident’s family] *child’s parent or legal guardian*, [where] *as applicable*, and the custodial agency to develop a plan to create and maintain a nonviolent and healing environment and to prevent the use of restraint. The safe environment plan shall be easily accessible to program personnel at all times.

(2) [The] *Unless otherwise documented in a plan, the safe environment plan shall include the following:*

(a) Physical space that the program shall provide to make the [resident] *child* feel safe, comforted, and in control of the [resident’s] *child’s* behavior;

(b) The triggers and situations that increase stress or fear and may cause the [resident] *child* to lose control of his or her behavior *and how the child’s loss of control of his or her behavior is manifested;*

(c) The methods for calming or soothing that the [resident] *child* prefers and has found to be successful;

(d) The [resident’s] *child’s* preferences regarding positive, nonphysical interventions, strategies, and supports if the [resident’s] *child’s* level of agitation increases;

(e) The medication [that the resident may choose to take voluntarily, and] that is appropriate clinically and agreed to and prescribed by the [resident’s] *child’s* treating physician *that the child may choose to take voluntarily*, if the [resident’s] *child’s* level of agitation increases despite the use of the alternative interventions identified in the safe environment plan;

(f) Any medical information that can affect the safety of a restrictive intervention [, for example history of asthma, cardiac conditions, or other medical conditions];

(g) Any trauma history that the [resident] *child* has experienced; [and]

(h) Any preferences or contraindications to the debriefing process.; *and*

(i) *The time frame in which law enforcement will be notified in the event of a child being absent without leave, not to exceed time limits as specified in COMAR 14.31.06.16.*

(3) The program shall ensure that all program personnel working directly with the [resident] *child*:

(a) Are fully briefed on each [resident’s] *child’s* safe environment plan; and

(b) Honor the [resident’s] *child’s* requests and preferences [contained] *identified* in the plan, unless clinically contraindicated in a particular situation.

(4) The treatment team shall:

(a) Review the safe environment plan with the [resident, and] *child* following any [postrestraint] *post-restraint* debriefing, *and at other times consistent with the program’s policy*, make any necessary changes identified by the [resident] *child*, staff, or both as appropriate; and

(b) Ensure that staff, *the child’s* parent[,] or legal guardian, and *the* custodial agency are informed of any subsequent modifications made to *safe environment and* [treatment plans] *individual plan of care.*

[C. Resident Behavior Interventions.

(1) General. Program personnel shall be encouraged to use an array of positive behavior interventions, strategies, and supports to increase adaptive behaviors or decrease targeted behaviors as specified in the behavior treatment plan.

(2) Program personnel may only use time out or restraint:

(a) After less restrictive or alternative approaches have been considered, and:

- (i) Attempted; or
- (ii) Determined to be inappropriate;

(b) In a humane, safe, and effective manner:

(c) Without intent to harm or create undue discomfort; and

(d) Consistent with known medical or psychological limitations and the resident's behavioral intervention plan.

(3) This chapter does not prohibit law enforcement, judicial authorities, or security personnel from exercising their responsibilities, including the physical detainment of a resident or other person alleged to have committed a crime, or posing a security risk in accordance with relevant law, regulation, policy, or procedures.]

D. Use of Time Out.

(1) Program personnel may use time-out to address a [resident's] *child's* behavior if:

(a) *The safe environment plan supports time-out;*

(b) *The child requests time-out;*

[(a)] (c) [If the resident's] *The child's* behavior unreasonably interferes with the program activities; or

[(b)] (d) [If the resident's] *The child's* behavior constitutes an emergency, and time-out is necessary to protect a [resident] *child* or other person from imminent, serious, physical harm after other less intrusive interventions have failed or been determined to be inappropriate[;

(c) When time out is requested by the resident; or

(d) When supported by the safety plan].

(2) A setting used for time out shall:

(a) Provide program personnel with the ability to see the [resident] *child* at all times;

(b) — (c) (text unchanged)

(3) Program personnel shall supervise a [resident] *child* placed in time-out and provide a [resident] *child* in time-out with:

(a) An explanation of the behavior that resulted in the [removal] *use of time-out*; and

(b) Explanation and instruction on the behavioral expectations when the [resident] *child* returns to the milieu.

(4) Each period of time-out shall be appropriate to the developmental level of the [resident] *child* and the degree of severity of the behavior, and may not exceed 30 minutes.

(5) [Parents] *A child's parent* or [a] legal guardian, the custodial agency, and program personnel may at any time request a meeting to address the use of time-out and to:

(a) (text unchanged)

(b) Develop, review, or revise a [resident's] *child's* [behavioral intervention] *plan of care*.

E. [General Requirements for the Use of] Restraint.

(1) Physical Restraint.

(a) *The use of physical restraint must be in accordance with the approved behavior management system used by the licensee.*

[(a)] (b) The use of prone [floor] restraint is prohibited in residential child care facilities.

[(b)] (c) The use of physical restraint is prohibited in residential child care facilities unless:

(i) *The parent or legal guardian of a child has been notified before admission that the use of physical restraint may be necessary; and*

[(i)] (ii) There is an emergency situation and physical restraint is necessary to protect a [resident] *child* or other individuals from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate[; and

(ii) The parents or legal guardian of a resident have been notified before admission that use of physical restraints may be necessary;].

[(c)] (d) Physical restraint may be applied only by program personnel who have successfully completed State-approved training in the appropriate use of physical restraint consistent with [§H] §G of this regulation.

[(d)] (e) In applying physical restraint, program personnel may only use [reasonable] *the least amount of force* [as is] necessary to protect a [resident] *child* or other person from imminent, serious physical harm.

[(e)] (f) A physical restraint:

(i) (text unchanged)

(ii) May not last longer than 30 minutes *per occurrence or longer than the approved behavior management system used by the licensee.*

[(f)] (g) (text unchanged)

[(g)] (h) [Senior program personnel shall conduct a face-to-face assessment, as described in §F of this regulation, as soon as practicable but not more than 1 hour] *The program administrator shall be contacted immediately* after the initiation of the restraint.

(2) Mechanical Restraint.

(a) (text unchanged)

(b) [Regulation .04 of this chapter does not prohibit program] *Program personnel are not prohibited* from using a protective or stabilizing device prescribed by a health care professional.

(3) The use of seclusion is prohibited in *Maryland* residential child care facilities.

(4) Referral to [Treatment] Team.

(a) If restraint is used [for a resident], and *the child's behavior intervention plan does not include the use of restraint*, the [treatment] team *specified in Regulation .17A of this chapter* shall meet within 5 business days of the incident to consider:

(i) The review of the [safety] *safe environment plan*;

(ii) — (iii) (text unchanged)

(iv) Revising or implementing a [behavioral] *behavior intervention plan*.

(b) If [restraint is used for a resident, and the] *a child's* behavior [treatment] *intervention plan* includes the use of restraint, [the resident's behavior treatment plan] *it* shall specify how often the [treatment] team shall meet to review or revise, as appropriate, the [resident's] *child's* behavior [treatment] *intervention plan*.

(c) When a [treatment] team meets to review or revise a [resident's] *child's* behavior [treatment] *intervention plan*[, as specified in §C(2) of this regulation], the [treatment] team shall consider:

(i) — (iii) (text unchanged)

(d) The program shall provide the parent or legal guardian, [of] the [resident] *child*, the custodial agency, and the [resident's] *child's* attorney with written notice when a [treatment] team proposes or refuses to initiate or change the [resident's] *child's* behavior [treatment] *intervention plan* [that includes] *to include* the use of restraint.

(e) A parent or legal guardian *or child* may request an appeal through the program's grievance process in accordance with Regulation .09E of this chapter if the parent *or legal guardian or child* disagrees with the [treatment team] *team's* decision to propose, or refuse to initiate, or change the [resident's] *child's* behavior [treatment] *intervention plan* to use restraint.

[F.] (5) Documentation Requirements for the Use of Restraint. Documentation of events surrounding the utilization of restraint in the [resident's] *child's* record[, including] *shall include*, but not be limited to:

[(1)] (a) (text unchanged)

[(2)] (b) Rationale for the restraint *and expected outcome of the intervention*;

[(3)] Expected outcomes;]

(c) *The safe environment plan or other less restrictive interventions, de-escalation techniques, or all of these utilized prior to the implementation of restraint and the child's response to each*;

(d) *The child's response during and after the implementation of the restraint*;

[(4)] (e) (text unchanged)

[(5)] (f) Description of the specific precipitating factors leading to the restraint, including:

[(a)] (i) Description of observable behavioral, emotional, and physical characteristics of the [youth] *child* involved;

[(b)] (ii) — [(d)] (iv) (text unchanged)

[(6)] (g) (text unchanged)

[(7)] (h) Staffing level, types of program personnel (male, female, [nonlicensed] *unlicensed*, licensed);

[(8)] (i) — [(10)] (k) (text unchanged)

[(11)] (l) A description of the restraint event, including:

[(a)] (i) The [resident's] *child's* behavior and reaction during the restraint; *and*

[(b)] The resident's mental status during and after the restraint; *and*

[(c)] (ii) (text unchanged)

[(12)] The safe environment plan or other less restrictive interventions, de-escalation techniques, or all of these utilized and the resident's response to each;

(13) Residents response during and after the implementation of the restraint;]

[(14)] (m) [Observable physical] *Physical condition, including any observable or reportable injuries of the [resident] child during and after the restraint, including*;

[(a)] (i) — [(c)] (iii) (text unchanged)

[(15)] (n) Medication, as identified in the [resident's] *child's* safe environment plan, administered before, during, or after the restraint;

[(16)] (o) (text unchanged)

[(17)] (p) Notification:

(i) *To the program administrator or designee*;

[(a)] (ii) To the parent or legal guardian [immediately following the incident unless otherwise specified by the parent or legal guardian];

[(b)] (iii) To the placement agency [within 24 hours of the incident]; *and*

[(c)] (iv) To the licensing agency in writing, *the information described in Regulation [.05] .18D of this chapter*[, within 24 hours of the incident].

[G.] F. Debriefing.

(1) Staff.

(a) Within 24 hours of the incident, program personnel involved in the incident and the clinical coordinator, supervisor, or designee shall discuss *and document* the management of the incident by addressing the following:

[(a)] (i) The [cause] *precipitating factors* of the incident;

[(b)] (ii) (text unchanged)

[(c)] (iii) De-escalation techniques or less restrictive interventions attempted, or both, and the [resident's] *child's* response to each;

[(d)] (iv) — [(f)] (vi) (text unchanged)

[(g)] (vii) Aspects of the incident that should be the focus for discussion for the [treatment] team; *and*

[(h)] (viii) (text unchanged)

(2) [Resident] *Child*.

(a) Within 24 hours of the incident, unless contraindicated by the safe environment plan, the [resident] *child* involved in the incident[, ] and the program administrator or designee shall discuss *and document* the management of the incident by addressing the following:

(i) The [cause] *precipitating factors* of the incident;

(ii) (text unchanged)

(iii) De-escalation techniques or less restrictive interventions attempted, or both, and the [resident's] *child's* response to each;

(iv) — (vi) (text unchanged)

(vii) Aspects of the incident that should be the focus for discussion for the [treatment] team; *and*

(viii) (text unchanged)

(b) If the [youth] *child* declines to participate in the debriefing:

(i) Program personnel shall document efforts to conduct the debriefing, *efforts to engage* the [youth] *child* in the process, and the reasons the [youth] *child* declined to participate; *and*

(ii) Negative consequences may not be imposed upon the [youth] *child for nonparticipation*.

[H.] G. Administrative Procedures.

(1) Each residential child care facility shall develop policies and procedures to address:

(a) A continuum of *prevention and intervention strategies that incorporate the principles of positive behavioral interventions, strategies*[, ] and supports [for use by program personnel before time out or restraint], *and trauma-informed care*;

(b) — (c) (text unchanged)

(d) The use and documentation of time-out consistent with Regulation [.03] .15D of this chapter; *and*

(e) The use of restraint consistent with Regulation [.04A] .15E of this chapter.

(2) Quality Assurance. Each residential child care facility shall develop a quality assurance process to:

(a) Ensure that each [resident's] *child's* needs are addressed;

(b) — (c) (text unchanged)

(d) Annually review policies and procedures, and provide them to program personnel and [parents] *the parent* or legal [guardians] *guardian*.

(3) Training.

(a) (text unchanged)

(b) *The program personnel shall receive training on current professionally accepted practices and standards from a vendor whose training program has been approved by the State and which includes all of the following*:

(i) *Positive behavioral intervention strategies and supports*;

(ii) *Trauma-informed care*; *and*

(iii) *Restraint*.

(c) *Training shall be required*:

(i) *Before program personnel may work with children independently*; *and*

(ii) *At least annually*.

[(b)] (d) (text unchanged)

[(c)] The program personnel shall receive training, approved by the State, in current professionally accepted practices and standards regarding:

(i) Positive behavior interventions strategies and supports;

- (ii) Functional behavior assessment and behavior treatment planning;
- (iii) Time out; and
- (iv) Restraint.
- (d) Training shall be required:
  - (i) Before a program personnel individual may work with residents independently;
  - (ii) At least yearly.]
- (4) Monitoring and Compliance.
  - (a) (text unchanged)
  - (b) The residential child care facility shall report the use of restraint to:
    - (i) The parent or legal guardian [immediately following] *within 24 hours of the incident unless otherwise specified in the safe environment plan* by the parent or legal guardian;
    - (ii) The placement agency [within 24 hours of the incident];
    - (iii) The licensing agency in writing, information described in Regulation [.05] .18D of this chapter[, within 24 hours of the incident]; and
    - (iv) Child Protective Services [if the use of restraint was inappropriate], *as required by Regulation .14 of this chapter.*
  - (c) The licensing agency may monitor and request any information regarding any matter related to time-out or restraint implemented by a residential child care facility. [The licensing agency shall provide written notice of the requested information, and specify the time and the manner in which the residential child care facility shall respond to the request.]

**.16 Absence Without Leave.**

- A. (text unchanged)
- B. Child's Return. *Unless otherwise specified in the child's individual plan of care, [If ] if the child has not returned to the program within [2 hours] 1 hour of the program discovering that the child is missing or unaccounted for, the licensee shall notify:*
  - (1) — (3) (text unchanged)
  - (4) *The child's parent or legal guardian, [Unless] unless inconsistent with the child's individual [service] plan of care[, the child's parent].*
- [C. Twenty-Four Hour Report. If an absent child does not return to the program within 24 hours, the licensee shall submit a written report to the licensing agency.]

[D.] C. Notification. When [an absent] *a child who was missing or unaccounted for* returns to the program, the licensee shall immediately notify:

- (1) [Immediately:]
  - [(a)] The local law enforcement authority; [and]
  - [(b)] (2) The child's parent or legal guardian; [and]
- [(2) By the next business day:]
  - [(a)] (3) — [(b)] (4) (text unchanged)

**.17 Admission, Individual [Service] Plan of Care, Behavior Intervention Plan, and Discharge.**

- A. General Requirements.
  - (1) The licensee shall have and follow written policies regarding:
    - (a) (text unchanged)
    - (b) Individual [service planning] *plan of care*;
    - (c) Behavior [planning] *intervention plan*; [and]
    - (d) *Behavior support services*; and
    - [(d)] (e) Discharge.
  - (2) The licensee shall form a team comprised of at least the following individuals to participate in the:
    - (a) [admission] *Admission* process[, the development of the individual service plan, the behavior plan, and the discharge plan]:
      - [(a)] (i) — [(b)] (ii) (text unchanged)

- [(c) The child's parent, if consistent with the child's permanency plan; and]
- [(d)] (iii) Unless clearly inappropriate, the child[.]; and
  - (iv) *If appropriate, the child's parent or legal guardian*;
- and
  - (b) *Development of the individual plan of care and the discharge plan:*
    - (i) *A representative designated by the placing agency*;
    - (ii) *A human service professional from the program considering the admission*;
    - (iii) *Program staff responsible for the care and supervision of the child*;
    - (iv) *The child's parent or legal guardian, if consistent with the child's permanency plan*; and
    - (v) *Unless clearly inappropriate, the child.*

(3) [The] Each team shall:

- (a) Document those present and participating [in the admission process and the development of the individual service plan, the behavior plan, and the discharge plan]; and
- (b) (text unchanged)

B. Admission.

- (1) The licensee shall include in its admission policy a:
  - (a) Statement of nondiscrimination consistent with Title VII of the Civil Rights Act and [Article 49B of the] *State Government Article, Title 20, Annotated Code of Maryland*;
  - (b) Provision for an [evaluation] *assessment* to determine the child's needs and the licensee's ability to meet them; and
  - (c) Method for notifying, when appropriate, a child's parent or legal guardian if the child is self-admitted.
- (2) (text unchanged)
- (3) The licensee may not admit into care:
  - (a) [more] *More* children than the number specified in its license[.];
  - (b) *Children outside of the age range specified in the license*; or
  - (c) *Children not of the gender specified in the license.*
- (4) In order to admit a child whose characteristics and needs so not fit the profile approved by the licensing agency, the licensee shall document that it has:
  - (a) (text unchanged)
  - (b) Requested written documentation of the licensing agency's permission with 5 days of the child's placement, which describes:
    - (i) (text unchanged)
    - (ii) [Accommodations made in the placement to] *How the program will ensure adequate and appropriate care for the child.*
- (5) Except for emergency placements, the licensee shall admit a child only upon receipt of at least:
  - (a) (text unchanged)
  - (b) A health history that is not older than 6 months, *including, if applicable, a list of currently prescribed medications*;
  - (c) — (f) (text unchanged)
  - (g) Emergency telephone numbers to contact the child's parent or legal guardian;
  - (h) [A] *If applicable*, a document that specifies a guardian or custodian of the child other than the [natural] *biological* parent;
  - (i) (text unchanged)
  - (j) Authorizations necessary for providing care, including:
    - (i) Medical, dental, and [mental] *behavioral* health authorizations for routine and emergency care;
    - (ii) — (iii) (text unchanged)
- (6) — (8) (text unchanged)

(9) *Within 3 days after admission, the licensee shall include in a child's individual case record:*

- (a) *A preliminary, individualized assessment of the child's needs performed by a human service professional;*
- (b) *A safe environment plan; and*
- (c) *Any document listed in §B(4) of this regulation not received before the child's placement.*

C. Individual [Service] Plan of Care. The licensee shall *require the team convened pursuant to §A(2)(b) of this regulation:*

[(1) Within 3 days after admission, include in a child's individual case record:

- (a) A preliminary assessment of the child's needs; and
- (b) Any document listed in §B(4) of this regulation not received before the child's placement; and

(2) (1) [Within] *To develop for each child, within 30 days after admission, [develop for each child] an individual [service] plan of care that [identifies] includes:*

- (a) (text unchanged)
- (b) [A] *If appropriate, a behavior intervention plan[, if appropriate] as defined in §D of this regulation;*
- (c) — (e) (text unchanged)
- (f) Documentation indicating [that] *whether or not the child[, child's advocates, guardian, and family,] and parent or legal guardian [when appropriate, have been involved in, informed of, and agree] agree with the plan;*
- (g) — (l) (text unchanged)
- (m) Vocational training; [and]
- (n) *The placing agency's permanency plan; and*
- [(n)] (o) Other areas as appropriate; *and*

[(3)] (2) [Assure that the individual service plan is:] *To execute the:*

- (a) [Reviewed] *Review and [updated] update of every child's individual plan of care at least every 90 days;*
- (b) [Modified] *Modification of the individual plan of care as required by the child's needs, interests, and circumstances; and*
- (c) [Provides documentation] *Documentation of monthly progress toward achievement of goals and estimated length of stay.*

D. Behavior Plan.

(1) [A] *The licensee shall [ensure that] have a comprehensive written policy that identifies the process by which a behavior intervention plan is [developed for each child for whom it is required] determined to be appropriate.*

(2) The licensee shall [develop each] *ensure that a behavior intervention plan [in collaboration with a team that may include] is developed for each child for whom it is appropriate that includes:*

- [(a) A human services professional;
- (b) A Maryland licensed physician; or
- (c) A Maryland licensed or certified professional counselor, who shall have training and experience in applied behavior analysis.

(3) The behavior plan shall:]

(a) [Be based on and include an] *An assessment of each challenging behavior as identified in the individual [service] plan of care;*

(b) *A description of the function of current behaviors including their frequency and severity;*

[(b)] (c) [Specify the] *The behavioral objectives for the child including;*

[(c) Include:

(i) *A description of the hypothesized function of current behaviors including their frequency and severity;]*

[(ii)] (i) — [(iv)] (iii) (text unchanged)

[(v)] (iv) *Identification of the individual or individuals responsible for monitoring the behavior intervention plan;*

[(vi)] (v) *The data to be collected to assess progress towards meeting the behavior intervention plan's objectives;*

[(vii)] (vi) *Documentation [of each] for the use of physical restraint, the reason for its use, and the length of time used; and*

[(viii)] (vii) *For licensees of the Department of Health and Mental Hygiene, documentation [of each] for the use of mechanical restraint, the reason for its use, and the length of time used;*

(d) — (e) (text unchanged)

[(4)] (3) *Before implementation, the licensee shall ensure that each behavior intervention plan that includes the use of restraints includes the written informed consent of:*

(a) (text unchanged)

(b) *The child's parent or legal guardian, when appropriate; and*

(c) *The placing agency's [designated contact for the case] designee.*

[(5)] (4) *If the program is licensed to serve children with developmental disabilities, each behavior intervention plan that includes the use of restraints shall be approved by the standing committee established under COMAR 14.31.07.08 before the plan's implementation.*

E. Behavior Support Services.

(1) *A licensee who contracts for behavior support services as determined by the behavior intervention plan shall ensure that its contractor:*

(a) — (b) (text unchanged)

(2) (text unchanged)

(3) *In addition to the training requirements in COMAR 10.22.02.10—11 for licensees of the Department of Health and Mental Hygiene and the training and requirements of this chapter, the licensee shall ensure that staff who provide behavior support services, before being assigned independent duties, receive training in the:*

(a) (text unchanged)

(b) *Use of a specific behavior management technique as outlined in the child's behavior intervention plan.*

F. Discharge. [The licensee shall:]

(1) *For planned discharges, the licensee shall:*

[(1)] (a) *Except for emergency shelter placement, and at least 30 days before a planned discharge, prepare a discharge plan which includes:*

[(a)] (i) (text unchanged)

[(b)] (ii) *A statement of unmet identified and continuing needs including but not limited to behavioral and somatic health, education, family and peer relationships, employment, behavior, medications, and recommendation for follow-up treatment; and*

[(c)] (iii) *The name of and contact information for the placing agency's [designated contact for the case] designee; and*

[(2)] (b) *Within 30 calendar days after discharge, submit to the placing agency a discharge summary which includes:*

[(a)] (i) (text unchanged)

[(b)] (ii) *A summary of the child's health, dental, optical, and [mental] behavioral health records; and*

[(c)] (iii) *A summary of services provided to the child[; and], including behavioral and somatic health, education, family and peer relationships, employment, behavior, medications, and recommendation for follow-up treatment.*

[(d) The licensee's recommendations for continuing services; and

(3) *Provide as much prior notice as possible to the placing agency and the parent whenever an unplanned discharge occurs.]*

(2) *For unplanned discharges, the licensee shall:*

(a) *Provide at least 72 hours' notice to the placing agency unless there is imminent risk of harm to self or others;*

(b) At the time of discharge, provide to the placement agency a discharge plan which includes:

- (i) Specific details of the reason for discharge;
  - (ii) The name and contact information of the placing agency's designee; and
  - (iii) A statement of unmet and continuing needs; and
- (c) Within 30 calendar days after discharge, submit to the placing agency a discharge summary which includes:
- (i) A final summary of the child's performance in the program;
  - (ii) A final summary of the child's medical, dental, optical, and behavioral health records; and
  - (iii) A summary of services provided to the child.

**.18 Reports and Records.**

A. General Requirements. The licensee shall:

(1) Submit reports and maintain records as [requested] directed by the licensing and placing [agency] agencies in order to ensure compliance with these regulations and other federal and State laws; and

(2) Comply with requirements for incident reporting as specified by the licensing and placing agencies.

[(2) Immediately notify:

(a) The licensing agency, the contracting agency, and the placing agency of any critical incident; and

(b) The child's parent, the placing agency, and the licensing agency of the death of a child;

(3) Notify by the next morning the placing agency and, unless inconsistent with the child's individual service plan, the child's parent, if a child is hospitalized;

(4) Within 24 hours after any critical incident, submit a critical incident report to the licensing agency, the contracting agency, and the placing agency;

(5) Within 48 hours after an incident requiring the involvement of law enforcement, fire department, or other emergency services, submit an incident report to the licensing agency and, if a particular child is involved, to the placing agency;

(6) Within 10 days report to the licensing agency in writing:

(a) Any complaint from the community received by the provider; and

(b) The process and actions taken toward resolution; and

(7) Allow authorized representatives of the licensing agency to review and photocopy records and reports in order to assist the licensing agency in determining compliance with these regulations.]

[B.] — [E.] (proposed for repeal)

[F.] B. Record Maintenance. The licensee shall:

(1) — (2) (text unchanged)

(3) Retain financial records for at least 6 years from the date of their creation or after any contract with the State terminates; and

[(4) Retain for at least 3 years:

(a) Copies of menus and meal counts;

(b) Records of emergency drills held; and

(c) An isolation log; and]

[(5)] (4) (text unchanged)

**.19 Program Planning, Evaluation, and Quality Improvement.**

A. Program Planning and Evaluation. The licensee shall have a formal process for program planning and evaluation which includes at least:

(1) (text unchanged)

(2) A set of measurable goals and objectives which is based upon the mission, program, [and] population served, and State-mandated outcome measures;

(3) (text unchanged)

(4) A correction plan [reviewed] approved by the [board of directors] Board for unmet goals.

B. Program Quality Improvement. The licensee shall:

(1) (text unchanged)

(2) [Review] Annually review and evaluate the quality and [appropriateness] effectiveness of the services provided.

ANNE SHERIDAN

Executive Director

Governor's Office for Children

**Subtitle 35 MARYLAND HEALTH  
BENEFIT EXCHANGE**

**Notice of Proposed Action**

[13-059-P]

The Board of Trustees of the Maryland Health Benefit Exchange proposes to adopt:

(1) New Regulations .01 and .02 under a new chapter, **COMAR 14.35.01 General Provisions** under a new subtitle, **Subtitle 35 Maryland Health Benefit Exchange**;

(2) New Regulations .01—.04 under a new chapter, **COMAR 14.35.02 Individual Exchange Navigator Certification and Training Standards** under a new subtitle, **Subtitle 35 Maryland Health Benefit Exchange**;

(3) New Regulations .01—.05 under a new chapter, **COMAR 14.35.03 Individual Exchange Navigator Certification—Renewal Reinstatement, Deactivation, and Suspension or Revocation of Certification** under a new subtitle, **Subtitle 35 Maryland Health Benefit Exchange**;

(4) New Regulations .01—.04 under a new chapter, **COMAR 14.35.04 Insurance Producer Authorization to Sell Qualified Plans in the SHOP Exchange and Individual Exchange** under a new subtitle, **Subtitle 35 Maryland Health Benefit Exchange**;

(5) New Regulations .01—.04 under a new chapter, **COMAR 14.35.05 Insurance Producer Authorization—Renewal, Reinstatement, and Suspension or Revocation of Authorization** under a new subtitle, **Subtitle 35 Maryland Health Benefit Exchange**;

(6) New Regulation .01 under a new chapter, **COMAR 14.35.06 Exchange Consumer Services Center** under a new subtitle, **Subtitle 35 Maryland Health Benefit Exchange**; and

(7) New Regulation .01 under a new chapter, **COMAR 14.35.07 Eligibility and Enrollment** under a new subtitle, **Subtitle 35 Maryland Health Benefit Exchange**.

**Statement of Purpose**

The purpose of this action is to establish standards related to several areas of operation and policy within the Maryland Health Benefit Exchange. Specifically, the action sets forth general provisions and definitions; Individual Exchange navigator initial certification, renewal and reinstatement standards; SHOP and Individual Exchange initial producer authorization, renewal and reinstatement standards; the establishment and minimum protocols for the Exchange consumer services center; and standards related to the collection of information for purposes of eligibility determination and verification.

Proposed COMAR 14.35.01; 14.35.06-14.35.07: General Provisions; Standards related to Exchange Consumer Services Center; and Eligibility and Enrollment:

These chapters were posted on the Maryland Health Benefit Exchange website for a 2-week informal public comment period from November 1, 2012 to November 15, 2012. Comments received from the public informed these proposed regulations.

Proposed COMAR 14.35.02-14.35.05: Standards related to Individual Exchange Navigator Certification and SHOP and Individual Exchange Producer Authorization:

The initial Individual Exchange navigator certification standards include eligibility and training requirements an individual must meet before applying for an Individual Exchange navigator certification and also lay out application procedures for certification. The renewal, reinstatement, and suspension or revocation of certification standards describe the term of the certification, the process by which an individual may renew a certification, the process for reinstatement of an expired certification, when a certification may be deemed inactive, and grounds for suspension or revocation of the certification. The initial SHOP and Individual Exchanges insurance producer authorization standards include eligibility and training requirements an individual must meet before applying for authorization and also lay out application procedures for authorization. The renewal, reinstatement, and suspension or revocation of authorization standards describe the term of the authorization, the process by which an individual may renew an authorization, the process for reinstatement of an expired authorization, and grounds for suspension or revocation of the authorization.

The Maryland Health Benefit Exchange sought feedback on drafts of these regulations from the Navigator Program Advisory Committee. Draft regulations were also posted on the Maryland Health Benefit Exchange website for a 3-week informal public comment period from August 30, 2012 to September 18, 2012. Comments received from both the Advisory Committee and the public informed these proposed regulations. Further, the Maryland Health Benefit Exchange worked closely with the Maryland Insurance Administration in developing these proposed regulations. These proposed regulations have been approved by the Insurance Commissioner as required under Insurance Article §§31-113(k)(3) and (m)(4), Annotated Code of Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Frank Kolb, Director of Policy, Maryland Health Benefit Exchange, 4201 Patterson Avenue, Baltimore, MD 21215, or call 410-358-5615, or email to mhbe.regs@maryland.gov, or fax to 410-318-8532. Comments will be accepted through 12:00 pm on March 11, 2013. A public hearing has not been scheduled.

**14.35.01 General Provisions**

Authority: Insurance Article § 31-106(c)(1)(iv), Annotated Code of Maryland

**.01 Compliance with Federal Law.**

The Maryland Health Benefit Exchange shall comply with all provisions of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010), and all associated guidance and regulations hereto and hereafter issued.

**.02 Definitions.**

A. In this subtitle, the following terms have the meanings indicated.

*B. Terms Defined.*

- (1) "Administration" means the Maryland Insurance Administration.
- (2) "Advanced Premium Tax Credit" has the meaning stated in 45 CFR §155.20.
- (3) "MCHP" means the Maryland Children's Health Program.
- (4) "CARES" means the case management data system that tracks eligibility for Medicaid and other social services.
- (5) "Carrier" has the meaning set forth in Insurance Article §31-101(c), Annotated Code of Maryland.
- (6) "Commissioner" means the Maryland Insurance Commissioner.
- (7) "Cost Sharing Reductions" has the meaning stated in 45 CFR §155.20.
- (8) "Department" means the Department of Health and Mental Hygiene.
- (9) "Exchange" has the meaning stated in Insurance Article §31-101(e), Annotated Code of Maryland.
- (10) "Exchange Annual Training" means the yearly training administered to certified navigators, licensed navigators, and authorized producers by the Exchange as part of its training program.
- (11) "Individual Exchange" has the meaning stated in Insurance Article §31-101(h), Annotated Code of Maryland.
- (12) "Individual Exchange Navigator" has the meaning stated in Insurance Article §31-101(i), Annotated Code of Maryland.
- (13) "Individual Exchange Navigator Certification" has the meaning stated in Insurance Article §31-101(j), Annotated Code of Maryland.
- (14) "Individual Exchange Navigator Entity" has the meaning stated in Insurance Article §31-101(k), Annotated Code of Maryland.
- (15) "Insurance Producer" has the meaning stated in Insurance Article §1-101(u), Annotated Code of Maryland.
- (16) "Insurance Producer Authorization" has the meaning stated in Insurance Article §31-101(m), Annotated Code of Maryland.
- (17) "JAIL MATCH" means the data system containing information about incarcerated individuals within the State.
- (18) "Managed Care Program" has the meaning stated in COMAR 10.09.62.01B(100).
- (19) "Maryland Children's Health Program" has the meaning stated in COMAR 10.09.43.02B(23).
- (20) "Medicaid" has the meaning stated in COMAR 10.09.24.02B(32).
- (21) "Navigator Entity" means Individual Exchange Navigator Entity.
- (22) "Open Enrollment Period" means the annual period during which a qualified individual may enroll in coverage through the Exchange, including the initial open enrollment period as stated in 45 CFR §155.20.
- (23) "Qualified Individual" has the meaning stated in Insurance Article, §31-101(s), Annotated Code of Maryland.
- (24) "SHOP Exchange" has the meaning stated in Insurance Article, §31-101(w), Annotated Code of Maryland.

**14.35.02 Individual Exchange Navigator Certification and Training Standards**

Authority: Insurance Article, §§31-106 and 31-113, Annotated Code of Maryland

**.01 Scope.**

This chapter sets forth the qualifications, training, and certification standards for an individual who applies to receive an Individual Exchange navigator certification and is required under

Insurance Article, §31-113(h)(1), Annotated Code of Maryland to hold an Individual Exchange navigator certification to provide the services listed under Insurance Article, §31-113(d)(1), Annotated Code of Maryland.

**.02 Eligibility Requirements.**

To qualify for an Individual Exchange navigator certification, an applicant shall:

- A. Be of good character and trustworthy;
- B. Be at least 18 years old;
- C. Successfully complete and comply with any ongoing requirements of the training program set forth under regulation .04 of this chapter; and
- D. Comply with any applicable requirements of Department of Health and Mental Hygiene.

**.03 Application Procedures.**

A. In order to obtain an Individual Exchange navigator certification, the applicant shall submit to the Exchange:

- (1) An application on the form provided by the Exchange;
- (2) An attestation that the applicant will notify the Exchange of any changes to information that the applicant provides or to which the applicant attests on the application form within 30 days of such change;
- (3) An application fee if permitted by law and in the manner specified by the Exchange;
- (4) Evidence of the written consent required under COMAR 31.03.12, if applicable; and
- (5) Evidence that the applicant has successfully completed the Individual Exchange navigator certification training program.

B. The Exchange may not consider an application to be complete until it has received all required materials.

C. If the application is not completed with all required materials within 45 days after the Exchange receives the signed application form, the Exchange may consider the application withdrawn.

**.04 Training Standards.**

A. Scope of Training. The training shall include information on:

- (1) Commercial health insurance;
- (2) The Medicaid and MCHP programs;
- (3) Eligibility, enrollment, renewal and disenrollment;
- (4) Advanced premium tax credits;
- (5) Consumer assistance and protection;
- (6) Quality assurance standards; and
- (7) Ethics.

B. Conduct.

(1) The Exchange shall conduct training in geographically diverse locations across the State.

(2) The training shall be conducted in examination facilities equipped to provide access in accordance with the Americans with Disabilities Act of 1990 as amended under 42 USC §12101, et seq.

C. Type of Training. The training shall be administered in-person and online.

D. Examination.

- (1) The training shall include a final examination.
- (2) The examination shall be multiple choice.
- (3) The examination shall be scored and reported in accordance with a passing score established by the Exchange.

E. Frequency. The Exchange shall conduct trainings:

- (1) At least monthly during all months; and
- (2) At least weekly for the 3 months immediately preceding the open enrollment period.

F. Assessment. The Exchange, in consultation with the Department of Health and Mental Hygiene and with the approval of the Commissioner, shall review, and as appropriate update, the content of the training at least every 2 years.

**14.35.03 Individual Exchange Navigator Certification—Renewal, Reinstatement, Deactivation, and Suspension or Revocation of Certification**

Authority: Insurance Article, §§31-106 and 31-113, Annotated Code of Maryland

**.01 Term.**

An Individual Exchange navigator certification expires 2 years after the date it is issued unless it is renewed.

**.02 Renewal.**

A. Notice.

(1) At least 60 days before the expiration of an Individual Exchange navigator certification, the Exchange shall notify the Individual Exchange navigator, either directly at the address, including email address, on file with the Exchange, or by contacting the navigator entity by whom the Individual Exchange navigator is employed or engaged, of the expiration date of an Individual Exchange navigator certification.

(2) The notification shall include:

- (a) A renewal application;
- (b) The date by which the Exchange must receive the renewal application for the renewal to be issued before the certification expires; and
- (c) The amount of the renewal fee.

B. Eligibility for Renewal. An Individual Exchange navigator certification may be renewed for an additional 2-year term if the holder:

(1) Is otherwise entitled to receive Individual Exchange navigator certification, in accordance with the eligibility requirements set forth in COMAR 14.35.02.02;

(2) Files a renewal application on the form provided by the Exchange either by mail or electronically before expiration of the certification;

(3) Pays to the Exchange a renewal fee if permitted by law and in the manner specified by the Exchange; and

(4) Has completed the Exchange annual training and the continuing education requirements under §C of this regulation.

C. Continuing Education. A certified Individual Exchange navigator shall complete at least 16 hours of Exchange-approved continuing education per renewal term.

D. Exchange Annual Training.

(1) The Exchange shall:

- (a) Schedule the Exchange Annual Training; and
- (b) Notify certified Individual Exchange navigators of the annual training.

(2) A certified Individual Exchange navigator shall complete the annual training, including any examination, within 60 days before the open enrollment period.

**.03 Reinstatement.**

A. For up to 1 year after the expiration date, an individual whose Individual Exchange navigator certification has expired may apply to reinstate the expired certification by:

(1) Filing a reinstatement application, either by mail or electronically, on a form approved by the Exchange;

(2) Paying to the Exchange the renewal fee if permitted by law and in the manner specified by the Exchange;

(3) Paying to the Exchange a reinstatement fee if permitted by law and in the manner specified by the Exchange;

(4) Submitting evidence to the Exchange that the individual has successfully completed the Exchange Annual Training and the continuing education requirements under Regulation .02C of this chapter; and

(5) Submitting evidence of employment or engagement by a navigator entity.

B. An individual who does not file for reinstatement within 1 year after the expiration date of the Individual Exchange navigator certification shall apply for an Individual Exchange navigator certification under the application procedures set forth in COMAR 14.35.02.03.

**.04 Inactive Certification.**

A. Within 30 days of receiving initial certification, a certified Individual Exchange navigator shall provide evidence satisfactory to the Exchange of employment or engagement by a navigator entity.

B. The Exchange may deactivate an individual's Individual Exchange navigator certification whenever the:

- (1) Individual fails to complete the Exchange annual training;
- (2) Individual has not provided evidence satisfactory to the Exchange of employment or engagement by a navigator entity, as set forth under §A of this regulation; or

(3) The Exchange is informed, either by the individual or a navigator entity, that the individual is not employed or engaged by the navigator entity.

C. Reinstatement of a Deactivated Certification.

(1) Except for those requirements listed in §C(2) of this regulation, a holder of a deactivated Individual Exchange navigator certification shall apply for reinstatement of the certification under the reinstatement procedures set forth in Regulation .03A of this chapter.

(2) Where certification is deactivated due to reasons listed under §B(2) or (3) of this regulation, the Exchange may waive the fees listed under Regulation.03A(2) and (3) of this chapter.

**.05 Suspension or Revocation.**

The Commissioner may suspend or revoke an Individual Exchange navigator certification for the reasons listed under Insurance Article, §31-113(l)(1), Annotated Code of Maryland.

**14.35.04 Insurance Producer Authorization to Sell Qualified Plans in the SHOP Exchange and Individual Exchange**

Authority: Insurance Article, §§31-106, 31-112 (f), (g) and (h), and § 31-113(m), (n) and (o), Annotated Code of Maryland

**.01 Scope.**

This chapter sets forth the qualifications, training, and authorization standards for an individual who applies to receive a Small Business Health Options (SHOP) insurance producer authorization or an Individual Exchange insurance producer authorization and is required under Insurance Article, §§31-112(g)(2) and 31-113(n)(2), Annotated Code of Maryland, to hold such an authorization to sell qualified plans within the SHOP Exchange or Individual Exchange.

**.02 Eligibility Requirements.**

To be eligible to apply for initial insurance producer authorization, an applicant shall be licensed by the Maryland Insurance Commissioner as an insurance producer authorized to sell health insurance.

**.03 Application Procedures.**

A. In order to obtain a SHOP Exchange insurance producer authorization or Individual Exchange insurance producer authorization, the applicant shall submit to the Exchange:

- (1) An application on the form provided by the Exchange;
- (2) An attestation that the applicant will notify the Exchange of any changes to information the applicant provides or to which the

applicant attests on the application form within 30 days of such change;

(3) An application fee if permitted by law and in the manner specified by the Exchange;

(4) Evidence that the applicant is licensed by the Maryland Insurance Commissioner as an insurance producer authorized to sell health insurance;

(5) Evidence of the written consent required under COMAR 31.03.12, if applicable; and

(6) Evidence that the applicant has successfully completed the:

(a) SHOP Exchange insurance producer authorization training if the applicant is applying for a SHOP Exchange insurance producer authorization; or

(b) Individual Exchange Producer Authorization training if the applicant is applying for an Individual Exchange insurance producer authorization.

B. The Exchange may not consider an application to be complete until it has received all required materials.

C. If the application is not completed with all required materials within 45 days after the Exchange receives the signed application form, the Exchange may consider the application withdrawn.

**.04 Training.**

A. An applicant for the SHOP Exchange insurance producer authorization shall complete the Exchange-approved SHOP insurance producer authorization training.

B. An applicant for the Individual Exchange insurance producer authorization shall complete the Commissioner-approved Individual Exchange insurance producer authorization training.

C. The Exchange shall review, and as appropriate update, the content of the SHOP insurance producer authorization training program at least every 2 years.

D. The Exchange, with the approval of the Commissioner, shall review, and as appropriate update, the content of the Individual Exchange insurance producer authorization training program at least every 2 years.

**14.35.05 Insurance Producer Authorization — Renewal, Reinstatement, and Suspension or Revocation of Authorization**

Authority: Insurance Article, §§31-106, 31-113(m), (n) and (o), and 31-112(f), (g) and (h), Annotated Code of Maryland

**.01 Term.**

An insurance producer authorization expires 2 years after the date it is issued unless it is renewed.

**.02 Renewal.**

A. Notice.

(1) At least 60 days before the expiration of an insurance producer authorization, the Exchange shall notify the authorized insurance producer of the expiration of the authorization.

- (2) The notification shall include:
  - (a) A renewal application;
  - (b) The date by which the Exchange must receive the renewal application for the renewal to be issued before the authorization expires; and
  - (c) The amount of the renewal fee.

B. Eligibility for Renewal. An insurance producer authorization may be renewed for an additional 2-year term if the holder:

- (1) Is otherwise entitled to receive insurance producer authorization, in accordance with the eligibility requirements set forth in COMAR 14.35.04.02;

(2) Files a renewal application, either by mail or electronically, on the form provided by the Exchange before the expiration of the authorization;

(3) Pays to the Exchange a renewal fee if permitted by law and in the manner specified by the Exchange; and

(4) Completes the Exchange annual training and the continuing education requirements under §C of this regulation.

C. Continuing Education. A holder of an insurance producer authorization shall complete at least 8 hours of Exchange-approved continuing education per renewal term.

D. Exchange Annual Training.

(1) The Exchange shall:

(a) Schedule the Exchange Annual Training; and

(b) Notify authorized insurance producers of the annual training.

(2) Authorized insurance producers shall complete the annual training, including any examination, within 60 days before the open enrollment period.

E. Timely Receipt of Application:

(1) Before the date of expiration of the authorization, a holder of an insurance producer authorization shall complete and return to the Exchange a renewal application and a renewal fee according to the renewal instructions.

(2) A holder of an expired insurance producer authorization may not sell qualified plans in the SHOP Exchange or Individual Exchange.

**.03 Reinstatement.**

A. For up to 1 year after the expiration date, an individual whose insurance producer authorization has expired may apply to reinstate the expired authorization by:

(1) Filing a reinstatement application, either by mail or electronically, on the form approved by the Exchange;

(2) Paying to the Exchange the renewal fee if permitted by law and in the manner specified by the Exchange;

(3) Paying to the Exchange a reinstatement fee if permitted by law and in the manner specified by the Exchange; and

(4) Submitting evidence to the Exchange that the individual has successfully completed the Exchange annual training and the continuing education requirements under Regulation .02C of this chapter.

B. An individual who does not file for reinstatement within 1 year after the expiration date of the insurance producer authorization shall apply for an authorization under the application procedures set forth in COMAR 14.35.04.03.

**.04 Suspension or Revocation.**

A. The Exchange may suspend or revoke an insurance producer authorization for a licensed producer authorized to sell qualified plans in the SHOP Exchange as set forth under Insurance Article, §31-112(f)(3)(i), Annotated Code of Maryland.

B. The Exchange may suspend or revoke an insurance producer authorization for a licensed producer authorized to sell qualified plans in the Individual Exchange as set forth under Insurance Article, §31-113(m)(3)(i), Annotated Code of Maryland.

**14.35.06 Exchange Consumer Services Center**

Authority: Insurance Article §31-106(c)(1)(iv), Annotated Code of Maryland

**.01 Exchange Call Center.**

The Exchange shall:

A. Maintain a consumer services call center at least during normal business hours;

B. Operate its consumer services call center as a triage device to handle or properly refer consumers' questions or complaints; and

C. Provide a consumer with information about how to use the consumer services call center to obtain information and assistance when appropriate.

**14.35.07 Eligibility and Enrollment**

Authority: Insurance Article §31-106(c)(1)(iv), Annotated Code of Maryland

**.01 Information Required for Eligibility Determination.**

A. In determining an individual's eligibility for a qualified plan or Maryland Medicaid, including determinations for advanced premium tax credit and cost sharing reductions, the Exchange may verify information regarding the individual, including information on an individual's:

(1) Social Security Number;

(2) Date of birth;

(3) Household size;

(4) Employment status;

(5) Lawful residency;

(6) Immigration status;

(7) Incarceration status;

(8) Income; and

(9) Eligibility for disability and other public assistance benefits.

B. The Exchange may use State and federal data systems in verifying the information listed in §A of this regulation, including the following data systems:

(1) Medicaid Management Information System;

(2) The Service Access Information Link;

(3) CARES;

(4) Maryland Vehicle Administration;

(4) JAIL MATCH;

(5) Maryland Lottery;

(6) Systematic Alien Verification for Entitlements; and

(7) Federal Data Hub System, including Internal Revenue Service data.

JOSHUA SHARFSTEIN, M.D.  
Chairman, Board of Trustees  
Maryland Health Benefit Exchange

# Errata

## COMAR 07.07.04

At 40:2 Md. R. 72 (January 25, 2013), column 1, line 12 from the top:

For: On January 8, 2012, the Secretary of Human Resources adopted  
 Read: On January 8, 2013, the Secretary of Human Resources adopted

[13-03-46]

## COMAR 11.04.10

At 39:21 Md. R. 1400 (October 19, 2012), column 2, line 22 from the bottom:

For: **Definitions;**  
 Read: **General;**

At 39:21 Md. R. 1400 (October 19, 2012), column 2, line 20 from the bottom:

For: **.01—.01-4** under **COMAR 26.24.04 Shore Erosion Control.**  
 Read: **.01—.01-4** under **COMAR 26.24.04 Structures.**

At 39:21 Md. R. 1402 (October 19, 2012), column 2, line 9 from the bottom:

For: **26.24.04 Shore Erosion Control**  
 Read: **26.24.04 Structures**

[13-03-40]

## COMAR 13A.03.02

At 39:22 Md. R. 1455 (November 2, 2012), column 1, line 15 from the bottom:

For: **Requirements for High School Students in Maryland.**  
 This action  
 Read: **Requirements for Public High Schools in Maryland.**  
 This action

[13-03-46]

## Special Documents

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE ADMINISTRATION-SPONSORED CAPITAL PROGRAM PLANNING FOR MENTAL HEALTH, ADDICTIONS, AND DEVELOPMENTAL DISABILITIES FACILITIES

The Department of Health and Mental Hygiene is currently updating its Five-Year Plan for funding the construction, acquisition, renovation, and equipping of community facilities providing mental health, addictions, or developmental disabilities services.

Applicants interested in being considered to receive State funds for capital development should request an application packet as soon as possible from Mr. Ahmed Awad, Administrator, Administration-Sponsored Capital Programs, at the Office of Capital Planning, Budgeting, and Engineering Services, Department of Health and Mental Hygiene, 201 West Preston Street, Room 535H, Baltimore, MD 21201-2399, telephone 410-767-6589.

Applicants should submit an application to the Office of Capital Planning, Budgeting, and Engineering Services by April 5, 2013 in order to receive full consideration, should a bond loan be established in the 2014 General Assembly session (Fiscal Year 2015 funding). Applications received after April 5, 2013 will be considered; however, ranking on the departmental priority list cannot be guaranteed.

Applicants who received planning (architectural and engineering) funds in previous years must submit a complete application if they want to be considered for funding in Fiscal Year 2015.

Technical assistance for preparation of the application will be provided by Department of Health and Mental Hygiene staff upon request. For further information, please call Mr. Ahmed Awad at 410-767-6589.

Contact: Mr. Ahmed Awad, 410-767-6589

[13-03-35]

### ADMINISTRATION-SPONSORED CAPITAL PROGRAM PLANNING FOR FEDERALLY QUALIFIED HEALTH CENTERS

The Department of Health and Mental Hygiene is currently updating its Five-Year Plan for funding the conversion, construction, acquisition, renovation, and equipping of facilities that have been designated as a Federally Qualified Health Center (FQHC) under 330 of the Federal Public Health Service Act, 42U.S.C. 254B.

FQHCs interested in being considered to receive State funds for capital development should request an application packet as soon as possible from Mr. Ahmed Awad, Administrator, Administration-Sponsored Capital Programs, at the Office of Capital Planning, Budgeting, and Engineering Services, Department of Health and Mental Hygiene, 201 West Preston Street, Room 535H, Baltimore, MD 21201-2399, telephone 410-767-6589.

Applicants should submit an application to the Office of Capital Planning, Budgeting, and Engineering Services by April 5, 2013 in order to receive full consideration, should a bond loan be established in the 2014 General Assembly session (Fiscal Year 2015 funding). Applications received after April 5, 2013 will be considered; however, ranking on the departmental priority list cannot be guaranteed.

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Technical assistance for preparation of the application will be provided by Department of Health and Mental Hygiene staff upon request. For further information, please call Mr. Ahmed Awad at 410-767-6589.

Contact: Mr. Ahmed Awad, 410-767-6589

[13-03-34]

# General Notices

## Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

### BOARD OF AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** February 21, 2013, 4 — 6 a.m.  
**Place:** Metro Executive Bldg., 4201 Patterson Ave., Baltimore, MD  
**Contact:** Christopher Keltr (410) 764-4723  
[13-03-08]

### CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY

**Subject:** Public Meeting  
**Date and Time:** February 19, 2013, 1:30 — 3:30 p.m.;  
**Place:** 13 Canal St., Rm. 302, Cumberland, MD  
**Add'l. Info:** Meetings are held the third Tuesday of each month. Notices are posted in the entryway elevator tower of the Western MD Railway Station.  
**Contact:** Dee Dee Ritchie (301) 724-3655  
[13-03-38]

### BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

**Subject:** Public Meeting  
**Date and Time:** February 14, 2013, 10 a.m. — 3 p.m.  
**Place:** 4201 Patterson Ave., Rm. 108/109, Baltimore, MD  
**Contact:** Emily Jones (410) 764-4665  
[13-03-20]

### MARYLAND COLLECTION AGENCY LICENSING BOARD

**Subject:** Public Meeting  
**Date and Time:** February 13, 2013, 10:30 a.m. — 12:30 p.m.  
**Place:** 900 Bestgate Rd., Ste. 407, Annapolis, MD  
**Contact:** Kelly Mack, Administrative Officer (410) 230-6079  
[13-03-29]

### MARYLAND STATE BOARD OF EDUCATION

**Subject:** Public Meeting  
**Date and Time:** February 26, 2013, 9 a.m. — 5 p.m.; March 28, 2013, 9 a.m. — 5 p.m.  
**Place:** 200 W. Baltimore St., Baltimore, MD  
**Add'l. Info:** The State Board of Education is pleased to receive oral public comment at each of its regular monthly meetings. In order to allow the State Board sufficient time for its other business, the total time allotted to public comment will generally be limited to 30 minutes. Individuals seeking to speak to the Board will be given 3 minutes each. Persons desiring to speak to the State Board, must call (410-767-0467) or e-mail (cnecessary@msde.state.md.us) the Board office no earlier than 1 week prior to the meeting to register to speak. Registration will be accepted on a first-come, first-served basis. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.  
**Contact:** Charlene Necessary (410) 767-0467  
[13-03-26]

### PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

**Subject:** Public Meeting  
**Date and Time:** March 7, 2013, 9:30 a.m. — 12:30 p.m.; April 4, 2013; 9:30 a.m. — 12:30 p.m.  
**Place:** 200 W. Baltimore St., Baltimore, MD  
**Contact:** Madeline Koum (410) 767-0385  
[13-03-27]

### ELEVATOR SAFETY REVIEW BOARD

**Subject:** Public Meeting  
**Date and Time:** February 22, 2013, 10 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Raquel M. Meyers (410) 230-6379  
[13-03-21]

### FIRE PREVENTION COMMISSION

**Subject:** Public Meeting  
**Date and Time:** February 21, 2013, 9:30 a.m.  
**Place:** Taylor Avenue Fire Station, 620 Taylor Ave., Classroom, Annapolis, MD  
**Add'l. Info:** If public schools in Anne Arundel County are closed due to inclement weather, the meeting and any appeals will be rescheduled.  
**Contact:** Heidi Ritchie (877) 890-0199  
[13-03-30]

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE

**Subject:** Call for Physician, Pharmacist and Consumer Nominations  
**Add'l. Info:** The Maryland Department of Health and Mental Hygiene is currently recruiting physicians, pharmacists, and consumers to serve on the Maryland Medicaid Program's Pharmacy and Therapeutics (P&T) Committee beginning in May 2013.

The Committee shall be composed of no fewer than 12 members, appointed by the Secretary for a 3-year term. At least five members shall be physicians, licensed in Maryland and one being a psychiatrist, five members shall be pharmacists, licensed in Maryland and one having expertise with mental health drugs; and two members shall be consumer representatives residing in the State.

#### Duties and Powers of Committee

**Rules:** The Committee shall operate under Standard Operating Procedures and comply with rules adopted by DHMH, including notice of any meeting of the Committee pursuant to the requirements of the Administrative Procedures Act.

**Regular Meetings:** The Committee shall meet at least twice a year, and may meet at other times at the discretion of DHMH. To the extent feasible, the Committee shall review all drug classes included in the Preferred Drug List at least every 12 months. Executive sessions shall be closed to the public.

**Attendance:** Members of the Committee may be removed if they miss two consecutive Committee meetings.

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**Preferred Drug List Development:** The Committee reviews classes of medications and recommends to DHMH which medications should be included in the Preferred Drug List for prescribing to Medicaid recipients. The Preferred Drug List is comprised of cost-effective medically appropriate drug therapies for Medicaid recipients. The Committee shall develop its Preferred Drug List recommendations by considering the clinical efficacy, safety, and cost effectiveness of drug products. Analyses shall be based upon reviews of relevant clinical information, including but not limited to, FDA approved labeling, supporting studies, published head to head comparisons and peer reviewed medical journal articles.

**Prior Authorization:** The Committee may also make recommendations to DHMH regarding the prior authorization of any prescribed drug covered by Medicaid.

**Magellan Medicaid Administration** is currently providing administrative and technical support to the Department of Health and Mental Hygiene with regard to the P&T Committee.

For an application packet, please email Gina Homer at [gina.homer@maryland.gov](mailto:gina.homer@maryland.gov). Application deadline is Monday, February 11, 2013. For further information, contact Gina Homer, Medical Care Program Specialist, Maryland Medicaid Pharmacy Program, Dept. of Health and Mental Hygiene, Suite 407-A, 201 W. Preston Street, Baltimore, MD 21201-2399. Phone/Voice mail (410)767-1749. [gina.homer@maryland.gov](mailto:gina.homer@maryland.gov).

**Contact:** Alex Taylor (410) 767-5878  
[13-03-22]

### **BOARD OF HEATING, VENTILATION, AIR- CONDITIONING, AND REFRIGERATION CONTRACTORS (HVACR)**

**Subject:** Public Meeting  
**Date and Time:** March 13, 2013, 9:30 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Steve Smitson (410) 230-6169  
[13-03-09]

### **HOME IMPROVEMENT COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** March 7, 2013, 10 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Steven Smitson (410) 230-6169  
[13-03-07]

### **MARYLAND LOTTERY AND GAMING CONTROL COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** February 26, 2013, 10 a.m. — 12 p.m.  
**Place:** Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD  
**Contact:** Marie A. Torosino (410) 230-8790  
[13-03-42]

### **MARYLAND HEALTH CARE COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** February 21, 2013, 1 p.m.  
**Place:** Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD  
**Contact:** Valerie Wooding (410) 764-3460  
[13-03-32]

### **MARYLAND HEALTH CARE COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** March 21, 2013, 1 p.m.  
**Place:** Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD  
**Contact:** Valerie Wooding (410) 764-3460  
[13-03-33]

### **BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS**

**Subject:** Public Meeting on Regulations  
**Date and Time:** February 13, 2013, 9:30 a.m.  
**Place:** 4201 Patterson Ave., Baltimore, MD  
**Contact:** Patricia A. Hannigan (410) 764-4750  
[13-03-31]

### **BOARD OF PHYSICIANS**

**Subject:** Public Meeting  
**Date and Time:** February 27, 2013, 9 a.m. — 5 p.m.  
**Place:** 4201 Patterson Ave., Rm. 108/109, Baltimore, MD  
**Add'l. Info:** The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.  
**Contact:** Carole Catalfo (410) 764-4777  
[13-03-25]

### **BOARD OF PLUMBING**

**Subject:** Public Meeting  
**Date and Time:** February 21, 2013, 10 a.m. — 12:30 p.m.  
**Place:** 500 N. Calvert St., Rm. 302, Baltimore, MD  
**Contact:** Brenda Clark (410) 230-6164  
[13-03-19]

### **BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** February 14, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[13-03-10]

### **BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** March 14, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[13-03-11]

### **BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** April 11, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[13-03-12]

### **BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** May 9, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 100, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[13-03-13]

### **BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** June 13, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
[13-03-14]

**BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** July 11, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
 [13-03-15]

**BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subject:** Public Meeting  
**Date and Time:** September 12, 2013, 1 p.m.  
**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD  
**Contact:** Sheri Henderson (410) 764-4785  
 [13-03-16]

**PROCUREMENT ADVISORY COUNCIL (PAC)**

**Subject:** Public Meeting  
**Date and Time:** February 26, 2013, 2 — 4 p.m.  
**Place:** Dept. of Budget and Management Bldg., 45 Calvert St., Rm. 158, Annapolis, MD  
**Contact:** Michelle Moseley (410) 260-7335  
 [13-03-36]

**BOARD OF PUBLIC ACCOUNTANCY**

**Subject:** Public Meeting  
**Date and Time:** March 5, 2013, 9 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Dennis L. Gring (410) 230-6224  
 [13-03-06]

**REAL ESTATE COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** March 20, 2013, 10:30 a.m.  
**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Patricia Hannon (410) 230-6199  
 [13-03-01]

**REAL ESTATE COMMISSION**

**Subject:** Public Hearing  
**Date and Time:** March 20, 2013, 12:30 p.m.  
**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Patricia Hannon (410) 230-6199  
 [13-03-02]

**RETIREMENT AND PENSION SYSTEM — ADMINISTRATIVE COMMITTEE**

**Subject:** Public Meeting  
**Date and Time:** March 5, 2013, 9:30 a.m.  
**Place:** SunTrust Bldg., 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD  
**Add'l. Info:** Meeting date and location are subject to change. Anyone interested in attending should contact the Retirement Agency for confirmation. Please note, the meeting may include a closed session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-8020-735-2258 TTY.  
**Contact:** Angie Jenkins (410) 625-5609  
 [13-03-28]

**BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS**

**Subject:** Public Meeting  
**Date and Time:** March 21, 2013, 10 a.m. — 4 p.m.  
**Place:** MES, 259 Najoles Rd., Millersville, MD  
**Add'l. Info:** A portion of this meeting may be held in closed session.  
**Contact:** Pat Kratochvil (410) 537-3167  
 [13-03-03]

**BOARD OF WELL DRILLERS**

**Subject:** Public Meeting  
**Date and Time:** March 27, 2013, 9 a.m. — 4 p.m.  
**Place:** MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD  
**Add'l. Info:** A portion of this meeting may be held in closed session.  
**Contact:** Willie Everett (410) 537-3644  
 [13-03-04]

**WORKERS' COMPENSATION COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** March 14, 2013, 9 — 11 a.m.  
**Place:** 10 E. Baltimore St., Baltimore, MD  
**Add'l. Info:** Portions of this meeting may be held in closed session.  
**Contact:** Amy Lackington (410) 864-5300  
 [13-03-05]

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#### Part 1

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
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- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

#### Part 2

- 09 Medical Care Programs

#### Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Sanitation
- 18 Human Immunodeficiency Virus (HIV) Infection and  
Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

#### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
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#### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid  
Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Vacant
- 52 Preventive Medicine
- 53 Board of Nursing—Electrology Practice Committee
- 54 Special Supplemental Nutrition Program for Women,  
Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program  
Professionals
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies

### Title 11

Department of Transportation – Volume & Subtitles

#### Volume 1

- 01 Office of the Secretary
  - 02 Transportation Service Human Resources System
  - 03 Maryland Aviation Administration
  - 04 State Highway Administration
  - 05 Maryland Port Administration
  - 06 Mass Transit Administration
  - 07 Maryland Transportation Authority
  - 08 Vacant
  - 09 Vacant
  - 10 Vacant
- #### Volume 2 and Volume 3
- 11 Motor Vehicle Administration – Administrative Procedures
  - 12 MVA – Licensing of Businesses and Occupations
  - 13 MVA – Vehicle Equipment
  - 14 MVA – Vehicle Inspections
  - 15 MVA – Vehicle Registration
  - 16 MVA – Vehicle Operations
  - 17 MVA – Driver Licensing and Identification Documents
  - 18 MVA – Financial Responsibility Requirements
  - 19 MVA – School Vehicles
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  - 21 MVA – Commercial Motor Vehicles
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  - 23 MVA – Drivers' Schools, Instructors, Driver Education Program

### Title 26

Department of the Environment – Part & Subtitles

#### Part 1

- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control  
Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

#### Part 2

- 08 Water Pollution
- 09 Maryland CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

#### Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances —  
Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

#### Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under  
Federally Approved Program
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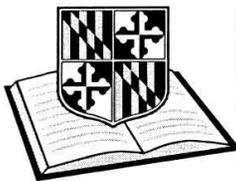
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